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QUAS IN USUM

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UTINENSIS DIOECESIS

D. IOSEPHUS BORTOLUZZI

CANONICI IURIS ET DOGMATICAE

IBIDEM INSTITUTOR

I ELUCUBRABAT

UTINI,

EX ARCHIEPISCOPALI SEMINARIO

MDCCCLII

PRÆNOTIONES

IN

IUS ECCLESIASTICUM

[illegible]

Art. I

Conspectus Dicendorum.

[illegible]

SECTIO I.

De Iure

Art. II

Iuris Notio.

[illegible] potestatem faciendi importat [illegible] agitionem vindicant, [illegible] [illegible]

Persona dicitur, dum ostensa entia sive materialia sive inanimata Res [illegible] tur. Porro hominis natura Rationalis est, Rationis vero norma Lex Moralis [illegible] tetat quod rectum et honestum sit quod[illegible] [illegible] imperat potestatem id tantum faciendi quod rectum honestumque est. Rectitudo autem et honestas actionis spectari potest vel in se tantum vel etiam relate ad alios. Homo siquidem ratione et sensibus praeditus solitarie in hac terrarum [illegible] late non existit sed plures ejusdem naturae homines coexistentes sunt [illegible]

[illegible]

[illegible] tionis nostrae directio ad ordinem et unitatem, necesse est ut lex ipsa Moralis [illegible] tes imponat, ut aliorum quoque personarum libertatem [illegible] vetare possit. Sub hoc respectu lex moralis dicitur Juridica, et obligatio inde exurgens officium Juridicum. Quod autem statutis limitibus continetur dicitur Sphaera Juridica. Quidquid in hac Sphaera agere volumus, quidquid ab aliis exigere id justum est, seu ad id jus nobis competit. Jus ergo definiri potest Facultas libera faciendi quidquid licitum est nec aliorum laedit Libertatem.

A^rt III

Principium quo Jura et Jurium Systema

constituuntur

[illegible]

utendi pro lubitu et ad aliorum omnium exclusionem substantia et utilitatibus rei alicujus, [illegible] partem seu longiquam suam rem habet [illegible]

Hoc [illegible] praecaveam dominationem illam [illegible]

[illegible]

[illegible] potestates.

[illegible]

A. II
Jus in sensu Scientifico

Ex dictis jus a Lege fundamentum pendet, proindeque hujusmodi lex [illegible] complexus legum [illegible]

A. [illegible]
Jurium praecipuae Divisiones

[illegible] ab exteriori Voluntate auctoritatem habente constituuntur, jus primum dividitur [illegible] Naturale [illegible] Rationale [illegible] Positivum [illegible] et possibilitatem continet juris positivi. Illud rationis dignoscitur et Unicum est Æternum Immutabile. Hoc experientia constat et si ab homine constituitur Varium est Transitorium Mutabile

Item ubi ex objecto circa quod jus versatur [illegible] attendere jurium divisio, adsunt jura alia Connaturalia sunt, alia (Acquisita) [illegible]

[illegible]

[illegible]

N° VI

[illegible]

N° VII

[illegible]

[illegible]

[illegible]

Art. VIII

Societatis species variæ

Societatis species diversæ sunt, præcipuas hic indicabimus [illegible]

1° ratione Originis Societas alia est Voluntaria et Factitia [illegible] Necessaria et Legalis. [illegible] enim Societas ut primum plures homin[illegible] [illegible] et Facto contingat aut Lege [illegible] [illegible] [illegible] Societas vel liberrimo hominum facto vel [illegible] hominis [illegible]

Voluntaria et Factitia Societas [illegible] sarea qualem voluit ejus auctor [illegible] natura et constitui [illegible] constit[illegible] [illegible] lege in primum [illegible]

2° Ratione Membrorum [illegible] Simplex [illegible] personæ individuæ, alia Composita [illegible] Major vel Minor [illegible] Mixta [illegible] ex personis individuis et moralibus exurgit. — 3° Ratione Imperii Societas erit vel Æqualis in qua nemo est qui cæteris imperet, vel Inæqualis in qua unus aut aliquis cæteris cum imperio præsunt. [illegible] Societatem [illegible] quoque sensu Æqualem dici, in qua nempe socii omnes moraliter æquales iisdem plane juribus gaudent, et nemo plura [illegible] [illegible] tum Æqualis quam Inæqualis Societas Libera est si [illegible] nulli alteri [illegible] [illegible]

Status seu Respublica [illegible] Subordinata maxime si [illegible]

[illegible] colloquium [illegible]

[illegible] autem sunt Societates ad perfectam [illegible] organizationem omnino Necessariæ; Religiosa scilicet, Domestica, et Civilis; [illegible] quod est illa præstantissima Societas quæ pro fine habet [illegible] humanitatis bona, [illegible] scilicet Virtutem et Felicitatem sub [illegible] supremo Deo obtinendam. — Domestica ex duplici Societate [illegible] [illegible] tionum. — Civilis demum Societas est plurium patrumfamilias unio qui consentiunt et modalitati [illegible] quæ ipsi administrabant ab una mente [illegible] vi sociali ad majorem eorundem tutelam atque [illegible] [illegible] In natura [illegible] statu familiæ quælibet ab aliis [illegible] [illegible] incerta [illegible] [illegible] habere atque ab illis damnum [illegible] Ad hujusmodi [illegible] impediendas utilitatesque [illegible] Civilis instituitur quæ proinde tendere habet [illegible] familiarum conventus pacificus sit, nulli perniciosus, omnibus utilis.

Art. IX

Jus Sociale

[illegible]

[illegible] relate communiter Immanentia vel Transeuntia nuncupantur. Quorum complexus generatim Potestas Societatis dicitur. Hinc nova [illegible] relatio juridica inter socios singulos et personam collectivam, erga quam isti obligationem contrahunt proprias juribus ea moderatione utendi ut dum sibi [illegible] ipsi damnum non inferant [illegible] singulis sociis [illegible] nullum [illegible]

[illegible]

SECTIO IIa

De Ecclesia Christi

Num X

Sectionis Divisio

[illegible]

CAPUT Imum

De Intima Ecclesiae Natura

Articulus 1us

Ecclesiae Christi existentia, Indoles atque Praestantia.

N XI

Ecclesiae Nomen.

[illegible] ab ἐκκλησία – convoco – [illegible] Cœtus seu Concio. [illegible]

10

[illegible] eandemque profiteri [illegible] et propagandam ut medium ad aeternam salutem consequendam. Sed antequam ad ejus existentiam comprobandam deveniamus nonnulla permittere juvat quae lucem dicendis affundant.

N.° XII

Existit Naturalis generis humani Societas

[illegible] Creator Omnipotens et Sapientissimus genus humanum [illegible] Societatem essentialem cum ipso concreatam constituerent, vel ipsi [illegible] [illegible] Dic enim mihi perspicere videor ita natos esse nos ut inter omnes esset Societas quaedam [illegible] demonstratur ex eo quod essentialia Societatis constitutiva in genere [illegible] ne deprehendantur. Ubi enim habetur finis seu bonum commune [illegible] media eadem [illegible] leges ad eumdem finem obtinendum demum [illegible] generi humano ab ipsa creatione sua ineluctabiliter deprehenduntur.

[illegible] vero omnibus hominibus prefixus est idem finis [illegible] [illegible] Veritas Virtus et Felicitas. Haec vero [illegible]

[illegible] naturaliter tendere. Cum autem ens intelligens [illegible]

[illegible] nam amor a subjecto procedens ab objecto [illegible]

[illegible]

[illegible] homo velit simul cum aliis hominibus [illegible]

[illegible]

[illegible] reventur cum omnes eandem habeant naturam [illegible]

[illegible]

[illegible] autem Bonitas est, efficit ut homo non sit tantum [illegible] no genere bona suprema exoptet ac communem possessionem [illegible] demum ad Felicitatem attinet, hæc dari non potest nisi virtus præcedat; [illegible] nec datur virtus nisi homo veritatem sectetur: quare felix esse nequit quis nisi cum aliis suprema naturæ humanæ bona possidere delectat. Recte igitur Veritas, Virtus et Felicitas intelligentiarum vincula dici possunt harumque [illegible]

[illegible] unitas et [illegible]

[illegible] in genere humano [illegible] hominum [illegible] omnium [illegible] rationis sed etiam ad finem hunc assequendum eadem data ~~bona~~ omnibus [illegible] facultates et moralem eandem rationalem et moralem eademque leges. Quisque enim sui conscius cordi suo inscriptam [illegible] legem quæ quasdam actiones licitas declarat, alias autem vetat; [illegible] sentit quæ eum damnat vel absolvit, gaudio aut tristitia replet [illegible] hujus legis dictamina secutus est vel ea spernit.

[illegible]

[illegible] humanum, ratione ipsa dictante, numen idem absolutum agnoscit [illegible] universorum in relatione Creatoris, gubernatoris et judicis omnium [illegible] finem summum amplectum exclusive expectat. — Jure igitur con[illegible] humani generis societatem natura existere.

Art. XIII

Natura Societatis Naturalis generis humani

[illegible]

[illegible] Ethico-Religiosa [illegible] [illegible]. Ethica quidem qua finis Sanctitas [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quae
[illegible] [illegible] Dei intima connectitur [illegible] [illegible]
[illegible] [illegible] [illegible] quidem [illegible]
Deus potentia infinita praeditus omnes qui sunt hujus Societatis membra
[illegible]
[illegible] [illegible] Theocra-
ticam appellare malunt, cum quod Deus Rector Supremus sit [illegible]
[illegible] [illegible] bona divina quibus Deus et homo simul communicant.
(a) [illegible] dignus est qui legatur Cicero de Leg. l. I [illegible]

N. XII

Triplex Societatis Naturalis Character.

Unitas, Catholicitas et Justitia tres sunt Societatis Naturalis characteres. Unitas quidem: Societas enim Naturalis una est quemadmodum [illegible] [illegible] [illegible] [illegible]
quod sibi proponit est Supremum naturae humanae bonum omnibus hujus naturae individuis [illegible]. Justitia [illegible] enim [illegible] eo quod ipsum Justitiae [illegible]

N. XI

Consectaria

[illegible] demonstratis nonnulla magni momenti fluunt Consectaria. Ac primo quidem cum descripta Generis humani Societas [illegible]
[illegible] ad jus Naturale Sociale pertinet quod jus cum positivum [illegible]
[illegible] destrui nequit. Nulla ergo Societas, nulla legislatio Societatem pri-
[illegible]

[illegible]

[illegible] etiam

[illegible] in finem [illegible]

valium sequitur hanc aliam societatem debere pro fine suo ultimo eadem [illegible]

[illegible]

[illegible] quod tamquam medium ad finem ultimum consequendum [illegible]

Ne autem aliquis Societas specialis Societati Universali damnum inferat [illegible] membris [illegible] 1° Nulla Specialis Societas spectat bonum quod sibi proponit absoluto desiderio [illegible] bonum Societatis Universalis scopum hoc illi semper in casu collisionis postponens. — Secundo Societatis specialis amor erga membra sua [illegible] bet; ita ut amor familiæ, patriæ aut cujusvis aliæ Societatis in amorem communem extendatur et inserviat Universali humanitatis amori qui nullum humanum [illegible]

[illegible]

A^{us} XII^{us}

Societas Naturalis externa quoque esse debet

[illegible] radicem internam et invisibilem cui sit externa necessario respondeat; quum capi hujus Societatis sit invisibile vinculum pariter spirituale et destinatio nullis temporis et spatii limitibus adstricta. Contra hos igitur efferimus omnes homines [illegible] nam nectentium. Etenim 1° homo in nullo conditionis suæ in hisce terris momento considerari potest tamquam merum noumenon sed fenomenon quoque est, spiritu qui [illegible] corpore constans, quæ duæ substantiæ illa in ipso junguntur [illegible] non possit [illegible] qua [illegible] ut concepit externe quoque studeat [illegible] in interno et invisibili vinculo non subsistit sed illud externum [illegible]

[illegible]

[illegible] ... qui sacra operantur et [illegible] in quibus victimas immolant: ut verum sit quod [illegible] [illegible] adversus [illegible]

[illegible]

" [illegible] vacuis domibus, [illegible] carentes, theatrorum, gymnasiorum [illegible]

[illegible]

[illegible]

[illegible] ... quo [illegible] homines utuntur in suo quidem [illegible] et [illegible] plurimum influunt. [illegible] est illa quam Christus [illegible] quam Christi Ecclesiam vel (absolute) Ecclesiam appellamus [illegible]

[illegible] XIII

[illegible]

[illegible]

nec umquam interrupta monumentorum et documentorum serie id ipsum originem [illegible] etiam [illegible] adeo [illegible] apertum est ut qui velit ipsum non dicam inficiari sed vel in dubium [illegible]

[illegible] enim non modo Sacrae Litterae non desunt sed quidam pronuntiant nobis [illegible] Christum [illegible] in hic [illegible] quae fundamenta [illegible] est [illegible] Christiani fundamenta Societatis [illegible] [illegible]

innovationem [illegible] [illegible] recata [illegible] [illegible] insuper et ad ipsos missionem praedicandi Evangelium omni creaturae et aperiendi per baptismum [illegible] regnum caelorum [illegible] [illegible] ad consummationem saeculi. Deprehendimus tandem Christum [illegible] [illegible] [illegible] gnificant, atque ad hanc [illegible] constabiliendam Petrum [illegible] [illegible] ipsa Pentecostes die [illegible] munere fungentem exhibent [illegible] [illegible]

[illegible] Ecclesiae originem et institutionem, ex omnibus [illegible] constat. Nec enim divinam Christi Ecclesiae con=

[illegible]

§ XVIII

Ecclesiæ Finis.

[illegible]

A^us XIX^us

Ecclesia est ipsa humani generis Societas ad ordinem supernaturalem in aliquibus evecta et ad summum complementum perducta.

Ex his quæ [illegible] esse ipsam Ecclesiam humani generis societatem eumdem finem [illegible] tamen [illegible] in aliquibus hominibus evecta est. Naturalibus enim viribus et facultatibus superadditur fidelibus Ecclesiæ membris supernaturalis divinæ gratiæ donum [illegible] hominem [illegible] docet Dogmatica Theologia. — 3° Ex quo etiam sequitur Societatem theocraticam cujus summa vidit lineamenta in humani generis societate conspe[illegible] per Christi Ecclesiam perfici. [illegible] enim perfecta est [illegible] quo magis sit commune inter [illegible] hominesque [illegible] et bonum Deo et hominibus commune arctiusque vero hujus boni communica[illegible]. Summum enim illud bonum non aliquid divini tantum ut in Societate naturali sed Deus ipse est qui actione immediata et arcana in animis humanis substantialiter operatur sensum fundamentalem Deiformem in illis producens [illegible] et benevolentia Dei erga illum consistit juxta Protestantium placitum [illegible] tione homini peccati juxta illud Joan. XIV. 23. „Si quis diligit me sermonem meum servabit, et Pater meus diliget eum et ad eum veniemus et mansionem apud eum faciemus „ et illud II Petri, I, 4. „ Magna et pretiosa „ promissa donavit, ut per hæc Divinæ efficiamini consortes naturæ „ ...

[illegible]

hominem [illegible] Christus per Societatem Christi cum hominibus [illegible] et illos [illegible] (Joan. XV. 15) vocavit amicos. Hinc Paulus (1 Cor. I. 9) „ait: „Vocati estis a Deo in societatem Filii ejus Jesu Christi Domini nostri„, [illegible] „Quod vidimus et audivimus annuntiamus vobis, ut et vos Societatem habeatis [illegible]„

[illegible] omnibus apparet [illegible] Societatem omnium [illegible] tissimam. [illegible] omnia consectaria quæ pro Naturali Generis humani Societate deducimus longe potiori jure eidem conveniunt.

Caput II^um.

De Christi Ecclesiæ Constitutione.

N^us XI

Exponitur Ecclesiæ Constitutio

Cum Ecclesia a Christo fundata sit quæ ob [illegible] unitatis characterem ipso [illegible] supremum habet in omnes homines dominium; illa [illegible] non factitiam et voluntariam Societatem esse sed [illegible] et Legalem; ita ut licet hominibus liberum sit eidem ex [illegible] [illegible] non quæ tamen forma et constitutio non a sociorum arbitrio sed ab una [illegible] voluntate et [illegible] [illegible] prorsus voluntariæ normam exhibent, aut humano [illegible] [illegible] formæ et constitutio, ne fas est hominibus quæ a Deo [illegible] [illegible] sunt ullo tempore aut ulla ratione immutari. Voluntas autem Christi [illegible] ex Sacris [illegible] litteris [illegible]

[illegible] Constitutionis nomine [illegible] quibus Ecclesia Christi coaluit et constat. Jam vero ex iis quæ [illegible] [illegible]

unum corpus coadunasse cui Christus ipse tamquam caput per instituta sacramenta et promissum auxilium vitam et virtutem influit quæ credentes con[illegible] [illegible] [illegible] [illegible] [illegible]
larandi Ecclesiam [illegible] Christi [illegible] [illegible]
cis hæc in epistolâ ad [illegible] [illegible] [illegible]
„ centes in charitate crescamus in illo per omnia qui est caput Christus, ex
„ quo totum corpus compactum et connexum per omnem juncturam subminis
„ trationis secundum operationem in mensuram uniuscujusque membri aug
„ mentum corporis facit in ædificationem sui in charitate „. Quare duplici elemen
to [illegible] constare apertum est divino scilicet et humano quæ divine
penetrantur et cogitur in unitate personæ; vel ut alii dicunt, ex anima et
corpore [illegible] corpus et animum [illegible] in commercio, ut [illegible]
[illegible]

§ XXI

Quinam ad Ecclesiæ animam pertineant.

[illegible] anima, sive elementum divinum est in primis interior
Justitia seu gratia sanctificans, qua homines justi intime Deo uniuntur, et
tamquam supernaturalem ac propriè divinam vivunt et æternæ vitæ fructus emittunt.
[illegible] præterea Fides Spes et Charitas sine quibus nemo perfecto vivit, et
non [illegible] [illegible] dotes quibus [illegible] ea quæ eximia præsertim sanctitate præcel
lunt [illegible] solent, uno verbo ea dona omnia quæ Christus ipse tamquam ca
put eidem Ecclesiæ veluti corpori suo mystico jugiter communicat, quibusque
vivificat. Hoc autem [illegible] ad Ecclesiæ animam pertinere solos electos
et [illegible] sive actu justi sint sive peccatores. [illegible] doctrina vero catholica
[illegible] [illegible]

[illegible]
[illegible] enim si Ecclesiæ anima ex gratia sanctificante constituitur
[illegible] omnes [illegible]
[illegible] sententiam illa animam constituere [illegible], qui profecto alii non [illegible]
nisi omnes et soli justi. Patet 2° ex divinis eloquiis quæ vitam seu principium
vitæ [illegible] in charitate [illegible] [illegible]
innumera propè sunt; unum vel alterum attigisse sufficiat. I ad Cor. XI. 4

Qui adhæret Domino [illegible] unus spiritus est." Et ad Gal. [illegible] "[illegible] jam non ego, vivit autem in me Christus, ... in fide vivo Filii Dei." Sic Joan. in 1ª Ep. 4, 16: "Deus Charitas est, et qui manet in Charitate in Deo manet et Deus in eo." Et alibi passim. Nec alia profecto est sententia Patrum [illegible] Charitate [illegible] habitu [illegible] [illegible] Charitate [illegible] [illegible] gregorius ... nos spiritu [illegible]

§ XXII
Corollaria.

Quum omnes et soli justi ad Ecclesiæ animam pertineant, sequitur 1° ad [illegible] [illegible] [illegible] ... ecclesiæ participes spiritus quidem et Ecclesiæ Militanti communicant. [illegible] parco sed ab imperio capitis invisibilis tantum dependent. Ex Ecclesia autem Militante ita dicta contra angelum tenebrarum Sanctam victoriam [illegible] [illegible] fide pugnat, quæ fideles baptizatos adhuc in terris degentes [illegible], ... nostræ [illegible] constituunt [illegible] omnes et solos [illegible] qui actu justi [illegible] ad eam pertinent eas etiam [illegible] est extra Ecclesiæ corpus sint, eis tamen dantibus instructi quibus justi [illegible] acceptis efficiuntur et esse possunt [illegible] materiales [illegible] [illegible] ad animam pertinent, Ecclesiæ partem constituunt [illegible] [illegible] [illegible] solum [illegible] pænitentibus se prodit ad manifest[illegible]

Sequitur 2° nec omnes nec solos electos ad Ecclesiæ animam [illegible] non omnes, siquidem notandum est alios electos nondum [illegible] [illegible] sicut socius fuit Apostolus [illegible] [illegible]

[illegible] mortalem amittunt [illegible]

De peccatoribus autem fidelibus hæc adnotamus. Licet, ut diximus, anima constet ex gratia sanctificante, fide, spe et charitate, adnexisque [illegible] nit, attamen fides præcipuum locum obtinet, ut pote totius justificationis radix et fundamentum [illegible] fideles [illegible] gratiam et charitatem amiserint gravi aliqua culpa, tamen [illegible] animam retinent [illegible] gratiam et charitatem sanctificantem [illegible]

N.us XXIII

Quinam pertineant ad Ecclesiæ corpus.

Ecclesiæ corpus sive elementum humanum est forma [illegible] seu externa professio [illegible] communio [illegible] in Ecclesiam coaptati sunt sub regimine pastorum. [illegible] erunt. Nos contra statuimus ad Christi Ecclesiæ corpus spectare fideles omnes tam justos quam peccatores. Loquimur autem de fidelibus baptizatis [illegible] Christi [illegible]

[illegible] fornicam [illegible] perfectam [illegible]

b) [illegible] in [illegible] Sacræ Litteræ [illegible] comparat modo sagenæ [illegible] (Conf. [illegible] Replicat. [illegible] bonos ac malos introduxerunt, imo et homo non indutus veste nuptiali [illegible]) Apostolus præterea (II.a ad Tim. II. 20) magnæ domui comparat Ecclesiam, in qua sunt vasa aurea et argentea, lignea [illegible] fictilia et quædam quidem in honorem quædam autem in contumeliam [illegible]

[illegible]

[illegible] XII

Quomodo [illegible] [illegible] et constitutum

[illegible]

[illegible] [illegible] organum est, et in caput et membra apte composita [illegible] [illegible] ordinata et subordinata distinguitur [illegible] [illegible] [illegible] pus seu societatem visibilem constituit ex supremo capite [illegible] [illegible] suo quoque suo loco, Episcopis presbyteris et ministris seu [illegible] [illegible] clero et populo fideli seu laicis.

[illegible] Protestantes nonnisi democratiam agnoscunt [illegible] [illegible] [illegible] [illegible] [illegible] omnibus [illegible] [illegible] [illegible] [illegible] ritatem quoniam nisi in populo residere [illegible] [illegible] ministros eam exercentes pro [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] mutatus est dum statuit Christum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Romanum ac [illegible] [illegible] [illegible] errorem [illegible] [illegible] ac propterea doceant [illegible] [illegible] Episcopos Primos inter pares [illegible] [illegible] [illegible] Caput Ministeriale.

[illegible] [illegible] Ecclesiam constare ex hyerarchia et populo seu clericis et laicis divino iure ab invicem distinctis patet ex Scripturis et Traditione.

[illegible] [illegible] Scripturis discimus Christum [illegible] clericis [illegible] auctoritatem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] (Matth. XVIII) Apostolis solis claves regni coelorum seu potestatem [illegible] [illegible] [illegible] tradidit, iisdemque potestatem conferendi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] XVIII [illegible] (Joan. XX) [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] misit me Pater ita et ego mitto vos". Quapropter cum primum Ecclesia pro[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pentecostes [illegible] [illegible] modo committeret [illegible] [illegible] [illegible] [illegible] delectis a se hominibus eam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] deinde vero alios [illegible] [illegible] Sacerdotii gradu instruxerunt. Nam Paulus, Barnabas [illegible] (Actor. XIII) a Spiritu Sancto in opus ministerii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Episcopos [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ecclesiae [illegible] Tim. 1 [illegible] Titum Cretensem [illegible] dedit [illegible] gubernar [illegible] ministerio seu sacro regimine). Ad ipsum presulem Joannes quoque [illegible] authoritati documentis manifestaverunt.

[illegible] communi consensu [illegible] Clemens [illegible] passim; item [illegible] Romanus. Ibi nunc [illegible] Hieronymus in dial. advers. Luciferianos et in epist. ad [illegible] [illegible] omittimus.

[illegible] auctoritatem contulit in societatem eorum pro dictione effrenandum [illegible] apostoli nunc eamdem auctoritatem [illegible] in [illegible]

[illegible] plane [illegible] divino jure Ecclesiasticam hierarchiam [illegible]

[illegible] non [illegible] communicabile [illegible] sed [illegible] ipso auctoritatem [illegible] Ecclesiasticam hierarchiam [illegible]

[illegible]

[illegible]

commemorationem seu necessitatem ex qua animam [illegible]
[illegible] negant, prout in omni mundo [illegible]
[illegible] hic agere consuevimus, [illegible]
[illegible]
nam et sectas ab ipsa divisas quippe immerito non [illegible]
[illegible]

[illegible] quidem Ecclesiae animam ex gratia sanctificante, fide, spe et charitate, ceterisque virtutibus adnexis aut profluentibus constare; corpus vero ex visibili fidelium omnium societate sub legitimis pastoribus eandem fidem profitentium, iisdemque utentium sacramentis paulo ante [illegible]. Ut igitur connectamus inter utramque Ecclesiae partem [illegible], restat ut attendamus et corpus in animam, et animam in corpus [illegible]

[illegible] Jamvero ut a primo incipiamus, siquidem prius est etiam in [illegible] individuo corpus conditum quam spiritu informari, Ecclesiae corpus [illegible] multos [illegible] quoad [illegible], praedicationem externam verbi Dei et collationem baptismatis [illegible] in corpus per fidei actus exteriores, spei et charitatis mediantibus operibus bonis ac [illegible], in [illegible] negare.

Ut autem eum ex parte saltem singulorum individuorum [illegible]
[illegible]
[illegible] verbo dicam [illegible] [illegible] non
[illegible] Ecclesiae suorum membrorum sanctitatem [illegible] per charismatum dona et patent omnibus [illegible]
[illegible]
[illegible] producit [illegible] signum [illegible] sanctitate pariter sine hoc dono Ecclesiam insignivit Deus. Novos pro quotidie filios Christo parit quos vel ex haeresi vel ex gentilitate conver[illegible]
[illegible]

[illegible]

Articulus III

De Vera Christi Ecclesia

§ XXVI

Articuli divisio

[illegible] ... nus de Christi ecclesia in genere ... data opera ... ex tot societatibus quæ sibi ecclesiæ Christi nomen ... tribuunt ... ipsa Christi ecclesia sit. Hoc autem efficien... [illegible] ... et notas ... ecclesiæ ... [illegible] ... nos ad veræ Christi ecclesiæ cognitionem ... [illegible] ... proprietatibus 2° de notis 3° ... de illarum ... [illegible]

§ XXVII

Ecclesiæ Christi Proprietates

[illegible] ... proprietate ... Notæ ... [illegible]

[illegible] ... attingit natura ipsa rei ad quam ... [illegible] ... producunt ad patefaciendas illas ... [illegible] ... in omnium oculos ... [illegible] ... rei naturam ingrediuntur, hæ vero illam patefaciunt. ... [illegible] ... Unitatem ... [illegible] ... Proprietates

1° Ecclesiam Christi unam necessario esse [illegible] tate fidei seu doctrinae quam Christus docuit [illegible] nam teneri, horum repugnat veritati [illegible] [illegible]

[illegible]

[illegible]

[illegible] ... meritis multiplicem [illegible]

[illegible] ... perpetuitate [illegible] ... unitate: "et ecce ego vobiscum sum omnibus diebus usque ad consummationem sæculi", — "Et Regni ejus non erit finis" — "Portæ inferi non prævalebunt [adversus] eam"; aliaque ejusmodi, quæ prædictam Proprietatem manifeste [de]clarant [illegible] ... includunt has proprietates, Unitatis, Visibilitatis ac Perpetuitatis [illegible] ... [ve]ra Christi Ecclesia nullo modo abesse potest.

A[rticulus] XXVIII

Notæ Veræ Ecclesiæ —

[illegible] ... distinguuntur a Proprietatibus quandoquidem [illegible] ... notæ externa sunt indicia ad illam [illegible] ... proprietatibus gaudet. Hinc notæ non ad arbitrium [illegible] ... sunt sed debent oriri ac efflorescere ex ipsa ejus natura [illegible] ... et proinde aliæ non sunt nisi Unitas, Sanctitas, Catholicitas [et Aposto]licitas [illegible] ... quæ aliæ præterea numerantur ad eas revocantur aut in illis includuntur. Atque præterea notæ ita inter se connectuntur ut una [illegible] ... altera demanet et omnes aut nullæ habeantur quandoquidem naturam [illegible] ... quæ notæ sunt. (Animadvertendum autem est tres posteriores pendere [ab] Unitate, Unitatem vero non esse confundendam cum unione materiali; [illegible] ... constituitur quod aliud non est nisi Auctoritas. Quod [illegible]

[illegible] ... qua agimus sunt externa indicia illa[rum] [p]roprietatum quibus vera Christi Ecclesia [illegible]

[illegible] effluunt atque [illegible]
[illegible]
[illegible]
[illegible] Christi [illegible]
[illegible]

Jam vero Unitas externa et formaliter idest cum principii [illegible] consideratur ex duobus constituitur ex professione videlicet ejusdem fidei et [illegible]
[illegible] Unde quod et unitas ejusdem fidei et unitatis communionis [illegible]
[illegible] fide [illegible]
patet ex Christi verbis Marci ultimo „Qui crediderit et baptizatus fuerit salvus erit „ loquitur porro Christus de universa fide objective ad cujus prædicationem commiserat Apostolis. Hanc autem fidem debere omnes profiteri declarat Apostolus scribens (ad Rom. x. 10) Corde creditur ad justitiam ore autem confessio fit ad salutem „; et iterum; „ Unus Dominus, Una fides Unum baptisma „.
[illegible]
[illegible]
„ Serva eos in nomine tuo quos dedisti mihi sicut et nos „. Imo hunc finem
[illegible]
[illegible]
[illegible] Paulus dum [illegible] fideles alloquitur [illegible] servare
„ [illegible] fidei [illegible]
„ donec occurramus omnes in unitatem fidei „. Principium dominum ex quo
[illegible]
[illegible]
[illegible] quamquam [illegible]
[illegible] Communionis [illegible]
dici consistere nequit sine centro ad quod radii omnes referantur uti experientia demonstrat in omni etiam politica societate.
[illegible] non [illegible]
[illegible] seu non [illegible]
fini quem Christus in ea instituenda intendit. Porro hæc vita [illegible]

[illegible]

[illegible] habent [illegible] communionem cum iis qui ab Apostolis immediate descenderunt. Ubi hæc interrupta fuit [illegible] integra et absoluta [illegible] in cunctis diebus et usque ad consummationem sæculi.

N.° XXIX

Prædictæ Notæ applicantur

[illegible] Christi [illegible] inquirendum superest in quanam societatem [illegible] Christianis Ecclesiis [illegible] Romana inveniri [illegible] ex quo legitime inferimus veluti Corollarium [illegible] illam [illegible] Christianam [illegible]

[illegible] siquidem vera ipsa Romana [illegible] ea se consulit atque patefacit. [illegible] necessario exposuit eamdem ab omnibus professionem fidei, subjectionemque [illegible] ita ut ad eam pertinere [illegible] nec ab utraque [illegible] alterutra [illegible] Romana non solum [illegible] facit cum suo principio formali seu medio ex quo progignitur sed et [illegible] habet [illegible]

Jam vero cum ex dictis notæ aliquæ velut ex fonte sua sponte eadem [illegible] ex ea inferre in primis Sanctitatem non solum [illegible] mediorum quibus eadem Ecclesia utitur ad eam in animis gignendam augendam perficiendamque, [illegible] præstantissimi quos jugiter efformet, [illegible] non pauca ipsius membra [illegible] et ubique locorum instructa apparuit [illegible] nunquam ipsa quempiam in Sanctorum album refert [illegible] omnis [illegible]

quod ultra adjicere debeamus [illegible] eidem omnes [illegible] intrinsece destitutae sunt [illegible] identitate doctrinae perdurationis et diffusionis. Locales singulae sectae sunt [illegible] temporales uti patet ex dictis.

Quapropter et Apostolicitate necessario carent. Nulla in illis successio pastorum reperitur quae ad Apostolos usque ascendat [illegible] ex qua Apostolica doctrina propagari debuit. — Quod autem diximus de sectis haereticis dici pariter debet de sectis schismaticis quarum pariter nulla est eodem modo necessitate motiva quae est una verae Christi Ecclesiae nota [illegible]

[illegible] XIII

Quotquot in communione non sunt cum vera Christi Ecclesia, ad eam pertinere non possunt

Non defuerunt qui contenderent et etiamnum contendant Ecclesiam Christi [illegible] Catholici [illegible] non esse inter partem Ecclesiae Catholicae [illegible] Anglicana [illegible] Ecclesia Catholica Evangelica Anglicana [illegible] Exinde fit ut isti viam salutis aperiant sectariis omnibus saltem qui in fundamentalibus articulis conveniunt et intolleranter accedunt Ecclesiam Romanam in articulo quem profitetur extra unicam veram Ecclesiam nullam dari salutem. Adversus quos nos statuimus, quotquot in communione non sunt cum vera Christi Ecclesia ad eam pertinere non [illegible]

[illegible] in communione Ecclesiae externa de qua loquimur, non censentur sunt autem haeretici qui diversam ab Ecclesia fidem profitentur, aut schismatici qui obedientiam detrectant legitimis pastoribus praesertim vero supremo [illegible] excommunicati [illegible] participatione praecipue Sacramentorum. Excommunicatis hic [illegible] Communiones separatae efficiunt sub quocumque nomine veniant sive Protestantium sive Reformatorum sive Anglicanorum aut [illegible]

[illegible] ad Christi [illegible] adversarii [illegible] haud constituere veri partes spirituales aut integrales [illegible] cujus opusculum novies

Etenim Christus in Apostolis et per Apostolos condidit Ecclesiam suam ad instar [illegible] jugiter viventis cui praefecit hyerarchiam quamdam [illegible] et [illegible] elegit [illegible] Ecclesiae [illegible] [illegible] [illegible] per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in unum [illegible], [illegible] novatores et contumaces qui aut [illegible] aut [illegible] [illegible]. Quo[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] crescunt ab Ecclesia [illegible] auctoritate [illegible] [illegible] [illegible] [illegible] membra [illegible] [illegible] [illegible] [illegible] membra a corpore amputata putrescunt [illegible] vitae [illegible], rivi a fonte separati non amplius constituunt aut corpus aut [illegible] aut rivum ex fonte manantem. Sic haeretici et schismatici ab Ecclesia [illegible], ipsi, amputati non amplius Ecclesiam constituunt.

Huc pertinent Scripturarum oracula „ Sicut misit me Pater et ego
„ mitto vos „ (Joan. XX). „ Euntes docete ... servare omnia quaecumque mandavi vobis: ecce ego vobiscum sum omnibus diebus usque ad consummationem [illegible] (Matth. XXVIII). — Qui vos audit me audit, [illegible] spernit „ (Luc. X. 16). — „ Qui Ecclesiam non audiant sit tibi sicut ethnicus et publicanus (Matth. XVIII. 17) — „ Si quis evangelizaverit vobis praeterquam „ quod evangelizavimus vobis, anathema sit „ (ad Gal. I). — „ [illegible]
„ [illegible]
„ [illegible]
„ constanter [illegible]

Atque [illegible] historia omnium sectarum continuantibus [illegible] [illegible] Apostolica usque ad nos. Apostoli [illegible] [illegible] magisterio [illegible] ab Ecclesia expellunt ut [illegible] Philetum ac Alexandrum (I ad Tim. I. 20) et (II ad Tim. II. 17) [illegible] discunt non blasphemare [illegible]

[illegible] Novatis et Corinthianos adversus quos demum [illegible] epistolas suas et Evangelium conscripsit; et Apostoli reliqui plerasque etiam epistolas suas scripserunt ut permunirent fideles adversus [illegible] et antichristos. Defunctis Apostolis, Ecclesia seu successores Apostolorum [illegible] Sabellianos, Arianos, Nestorianos, Eutychianos, Novatianos, Donatistas et ita porro usque ad Lutheranos, Calvinistas, Socinianos, Protestantes omnes, [illegible] nos cum omnibus eorum sequelis. Ergo tantum abest ut recte isti Ecclesiam constituant sintque ejus partes aut essentiales aut integrales, ut potius [illegible] recte possimus.

1

XXXI

Quod illos omnes qui culpabiliter extra Ecclesiam ex hac vita decedunt nulla datur salus

Nemo damnatur ex adultis sine culpa propria, nullo igitur [illegible] [illegible] circa falsitatem propriam [illegible] ejus animam nullimode adeoque in ea salutis [illegible]

Sola igitur theseos propositio cadit in vocem culpabiliter. Hoc porro sensu determinata thesi [illegible] est qui eam in dubium revocare possit? [illegible] aeternum pereunt, seu nullam salutem attingere possunt; atqui tales sunt quot[quot] ex propria culpa aut malitia decedunt ex hac vita extra Ecclesiam [illegible], ergo iis qui culpabiliter ex hac vita decedunt nulla datur salus. [illegible] suppositione [illegible] necessitas [illegible] Christi Ecclesiam [illegible]

[illegible] sectantur illis legitimis pastoribus quos Christus ipse præfecit Ecclesiæ [illegible] nomo [illegible] homine [illegible] eos qui in tali statu moriuntur æternam perire.

[illegible] hæreticos aut schismaticos formales [illegible] supponitur excludi ab æterna salute ac pœnis æternis addici demonstratur. Nonnulla tamen pla[illegible] [illegible] Apostolus [illegible] loco citato „Hæreticum hominem devita„ subjicit quia subversus [illegible] est proprio judicio condemnatus „ – Apostolus Petrus (II. [illegible]) [illegible]

[illegible] in [illegible] fidelibus seu in Ecclesia Christi [illegible] vocat seductores [illegible] Omnis qui recedit et non permansit in doctrina Christi Deum non habet „. Non permanet [illegible] Ecclesiæ [illegible] Apostolicis [illegible] sicut ethnicus et publicanus.

[illegible] Patribus nulla est controversia cui unc omnia [illegible] destinatis ad ignem

Articulus IV
De Christi Ecclesiæ Dotibus

N.° XXXII

Exponuntur [illegible] Dotes

Christus Ecclesiam suam [illegible]

[illegible] sensum [illegible] communi [illegible] [illegible] [illegible]
[illegible] Dei [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
debet [illegible] existere docendi, regendi. Eam propterea Christus instruxit Indef-
fectibilitate in regendo existendo, Infallibilitate in docendo, Auctoritate in re-
[illegible] [illegible] [illegible] [illegible] [illegible]

N.ri XXXIII.i

De Ecclesiæ Indeffectibilitate

In [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
minus evadit a quacumque in existendo mutatione, et cujus propterea dici in
eodem constitutionis suæ statu perseverat quamdiu in historiis militat, vide-
licet usque ad mundi finem, Cum nempe omnium adversariorum [illegible]
[illegible] in quos [illegible] triumphavit. [illegible] negat [illegible] [illegible]
gativa cum Instabilitate quæ Invisibilitati [illegible] - Ejus formalis [illegible]
consistit in identitate permansionis.

Porro Christi Ecclesiam Indeffectibilem esse sic probamus. Ecclesia a
Christo instituta est ut in eadem [illegible] universi cujusvis status [illegible] pos
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ac deficere posset, ita ut ipsa tamquam vera Christi Ecclesia [illegible]
[illegible]. Christus in ea instituenda finem suum neque assecutus esset neque [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in omnibus internis proprietatibus ac notis externis. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible]

Huc etiam referatur quod de Ecclesiæ constitutione diximus ad in-
star individui [illegible] [illegible] [illegible] [illegible] [illegible] præsentiam
Christi [illegible] in his [illegible] [illegible] [illegible] [illegible] [illegible] nulli
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sto instituta est.

N. XXXIV.

Infallibilitatis objectum ejusque adversarii.

Infallibilitatis objectum duo afficit, ut [illegible] [illegible] Ecclesia [illegible] in [illegible]. Objectum hujus magisterii [illegible] res fidei [illegible] [illegible] has fidei moresque doctrinae [illegible] [illegible] [illegible] [illegible]

Adversus hanc Ecclesiae infallibilitatem [illegible] omnes [illegible] non semel admissa [illegible] [illegible] sectis ipsis. Quod vero magis arguit [illegible] [illegible] infallibilitatem Ecclesiae [illegible] [illegible] [illegible] respiciunt; sine hac enim illa inutilis evaderet, uti ostendimus.

N. XXXV.

Ecclesia Infallibilis est in iis omnibus quae ad fidem moresque pertinent.

[illegible] Judicis et Magistri. Testis quidem in proponendis veritatibus quas a Christo et Apostolis accepit, Judex in dirimendis causis controversiis, magister in instituendis populis commissis sibi ac [illegible] ministerio suo. Sub triplici hoc respectu Infallibilitatem [illegible]

Hanc infallibilitatem primo postulat [illegible] quam Christus Ecclesiae commisit. [illegible] Christus Ecclesiam instituit, ut [illegible] omnes prorsus homines viam salutis doceret atque ut fidem penes eos inveniret eamque communivit miraculorum [illegible] [illegible] Ecclesiae tamquam divinam missionem ad eos edocendos [illegible] adeo [illegible] [illegible] [illegible] [illegible] esse, seu, quod idem est, crediderunt ex principio infallibilitatis Ecclesiae [illegible] [illegible] [illegible] non possent vicissim decideret.

errori in Deum refunderetur, quia credibilitatis motiva Ecclesiam [illegible]
ro hæc missio duplex jugiter objectum habuit, nempe et eos quos jam in sinum
[illegible]
[illegible] adducendi erant (ad utrumque autem objectum infallibilitas opus
necessaria est; quoad primos ut in fidei unitate continerentur ac ne decepti difflu
ant, quoad secundos [illegible]
[illegible]
quamdiu infideles remanent convertendi scilicet usque in sæculi finem.
[illegible]
quot moliti sunt insurgere adversus doctrinam ad se prædicatam et contumaces in
[illegible] permanserint expellit a sinu suo, debuit ex sinu filiorum suorum
[illegible] ut ramos inutiles, et rivulos venenatos ne inficerent filios obsequentes.
[illegible] infallibilitate,
injusta contra hæc destituta; potuisset equidem errare dum eos damnasset [illegible]
[illegible]
[illegible] in Christum injuria qui eam nobis præbuit ut magistram audiendam; [illegible]
[illegible]
[illegible] Ecclesiam non audierit sit tibi sicut ethnicus et publicanus. — Baptizate
[illegible] servare omnia quæcumque mandavi vobis — ecce ego vobiscum sum omni
[illegible]
est Ecclesiam infallibilitate pollere, adeoque hæreticos et schismaticos quotquot ab
Ecclesia ut tales damnati sunt.

[illegible] infallibilis esset in docendo, cum omnino esset [illegible]
quovis fidei articulo, imo et de fide ipsa, si quidem hac infallibilitate sublata,
[illegible] quemlibet articulum, num scilicet revelatus
sit necne et quo sensu debeat revelatus intelligi. Fides propterea nullum haberet
[illegible]
alii ab aliis differt, imo quisque a seipso, prout patet [illegible]
[illegible] et protestantibus in quo fides est in perpetuo fluxu [illegible]
[illegible] huic dari [illegible] sublata Ecclesiæ auctoritate necessarie [illegible]
[illegible] in dubio aut in opinione plus minusve probabili.

[illegible] nisi admittatur in Ecclesia docente infallibilitas nunquam fieri

10

[illegible] omni [illegible] ipse [illegible] ... [illegible] opposita, atque ideo actum esset de ipsa [illegible] [illegible]. [illegible] et absurda sint, restat ut infallibilitas in Ecclesia sit [illegible].

A[illegible] XXXVI[illegible]

Ecclesia Infallibis est pariter in factis Dogmaticis decernendis.

Factum dogmaticum dicitur [illegible] sensu auctoris accepta in ordine ad ejusdem doctrinæ orthodoxiam aut heterodoxiam. Sensus auctoris est sensus [illegible] quem verba [illegible] nec non scopus [illegible]. Itaque factum [illegible] Dogmaticum dicitur propter [illegible]tudinem quam ejusmodi sensus habet relate ad fidem [illegible] est. [illegible] exemplo declaramus [illegible] propositio: [illegible] fides justificat [illegible] [illegible] pura oratione [illegible] auctor [illegible] cum [illegible] ad id necessariis dispositive justificat. Patet [illegible] xiam alicujus propositionis pendere ex sensu auctoris seu in facto fundari, cum [illegible] [illegible] tu [illegible] uti præambulum certum et cognitum [illegible] [illegible], sed cadit directe in jus quatenus innititur illi facto. Hinc definiri [illegible] factum a quo pendet jus [illegible] jus in facto fundatum. Jansenium omnium primi [illegible] factionis [illegible] [illegible] quinque propositionum Jansenii, [illegible] distinguere [illegible] jus et factum. [illegible] hæreticas [illegible] sunt sed negarunt aut tales propositiones reperiri in opere Jansenii inscripto Augustinus; aut sed tanquam hæreticas [illegible] in sensu Jansenii [illegible] factum nonnisi [illegible] adhibendum [illegible] [illegible] ostenderimus. Christus non solum Ecclesiam Deus instituit veritatum quas ipse revelavit sed eam potentiam dedit ut Judicem et Magistram

[illegible] storis verba: „Si Ecclesiam non audierit sit tibi sicut ethnicus et publicanus [illegible] — Docete omnes gentes [illegible] ad Petrum dixit „Pasce agnos meos .... Pasce oves meas „. Insuper [illegible] informatus Petrus scribebat ad Episcopos: „Pascite qui in vobis est gregem [illegible]. Et Apostolus [illegible] alloquens [illegible] episcopos „ Attendite [illegible] gregi in quo vos „ Sp. Sanctus posuit episcopos regere Ecclesiam [illegible] Ego [illegible] „ [illegible] post discessionem meam lupi rapaces non parcentes gregi. Et „ [illegible] loquentes perversa ut abducant discipulos post [illegible]. Atqui Ecclesia neque [illegible] infallibilitate [illegible], si idem [illegible] posset declarando hæreticam doctrinam quæ est Catholica vel e converso; nec tenerentur hac in hypothesi fideles suum intellectum subjicere Ecclesiæ definitioni aut se illi conformare. Non posset unquam [illegible] fidei [illegible] tum accipere arbitrarentur. Supervacaneum proinde redderetur ejus magisterium ac judicium. In hac præterea hypothesi posset Ecclesia decipi [illegible] Petrum. [illegible] Doctorum [illegible] testimonia ad [illegible] catholicum dogma [illegible] illorum Ecclesiam. Quæ omnia absona sunt et [illegible] in Ecclesia docente insit [illegible]

Quapropter divina adsistentia ac promissionibus sibi factis Eccl[illegible] [illegible] propositiones in sensu auctorum [illegible] [illegible] hæretica. Sic in Concilio Niceno damnavit [illegible] Thalia inscriptum, in Concilio Chalcedonensi ut catholica probavit scripta edita a S. Cyrillo Alexandrino adversus Nestorium, damnavit [illegible] scripta Nestorii adversus Cyrillum. In Concilio C[illegible] II° [illegible] damnavit tria capitula Theodori Mopsuesteni [illegible] [illegible] gendi ratione patet hanc persuasionem de Ecclesiæ infallibilitate etiam relate ad dogmatica facta [illegible]

Ergo nisi velimus Xtum Christum Ecclesiam suam mediis idoneis ad [illegible] sibi commissa [illegible] destitutam reliquisse, tum Ecclesiam ipsam [illegible]

[illegible]

Art. XXXVII
De Auctoritate Ecclesiæ

Auctoritatis voce hic significamus potestatem quam Ecclesia habet [illegible] interiorem disciplinam. Sub nomine vero disciplinæ venit quidquid conferre potest [illegible] Christianorum morumque sanctitatem obtinendam. [illegible] administratio sacramentorum, publica et correptio [illegible], divisio particularium [illegible], recta dispensatio ecclesiasticorum bonorum, regulæ morum in [illegible] [illegible] proximumque semetipsos aliaque ejusmodi ecclesiasticam disciplinam [illegible]. Protestantes contendunt totam Ecclesiæ potestatem in docendo [illegible] [illegible] in [illegible] [illegible] inæqualitatem Ecclesiarum longe abesse, eo quod imperium non habeat, sine quo [illegible] ecclesiam vero praeditam imperio esse, seu dicimus [illegible] [illegible]

[illegible] Christi institutione Ecclesia est perfecta Societas [illegible] visibilis constans superioribus et subditis, hyerarchia et laicis. Jam vero ubi est [illegible] instituta et quidem constans superioribus qui sunt subjectum auctoritatis [illegible] inferioribus qui sunt objectum auctoritatis [illegible] potestas Legislativa quæ jus habeat ea constituendi quæ ad bonum [illegible] Societatis regimen conferunt, cogendique ad obedientiam membra [illegible] [illegible] [illegible]

[illegible] quod attinet potestatem [illegible] [illegible]

agendi quidquid, vel non agendi, quod versetur propriè circa legem con[illegible] dicitur factum Apostolorum.

[illegible]

[illegible]

N.° XXXVIII

Ecclesiæ Definitio

[illegible], Instituta a Christo Societas hominum [illegible] professione, eorumdem sacramentorum collig[illegible] legitimis pastoribus præsertim vero sub visibili omnium capite cent[illegible] unitatis Romano Pontifici in id tendunt ut Veritatem, Virtutem, Felici[illegible] [illegible] [illegible],,

CAPUT II^m

De Ecclesiæ Christi Relationibus

A. XXXIX

Capitis Divisio.

[illegible] natura [illegible] ... [illegible] ad membra sua [illegible] ... [illegible] pendentia Ecclesiæ a Civitate ; altera [illegible] ... [illegible] Juribus Connaturalibus Ecclesiæ relate ad membra sua, et [illegible] Ecclesiæ Requisitis. [illegible] autem [illegible] jurib [illegible] ... non omittamus jura quæ sive [illegible] ... [illegible] sive Ecclesiæ membris competunt relate ad ipsam Ecclesiam.

Articulus I^us

De Distinctione et Independentia Ecclesiæ a Civitate.

A^us XL

Ecclesia est Societas essentialiter a Civili distincta

[illegible] essentialiter a Civili distinctam [illegible]

[illegible] origine, fine [illegible] Mediisque [illegible] Societate essentialiter distinc[illegible] [illegible] Societa[illegible] [illegible] Origine. Ecclesia enim est Societas Necessaria et Legalis quippe [illegible] praecepto Divini Servatoris ex Sacra Scriptura et Traditione conspicuo [illegible] [illegible] societas juris existit etiam sine opere hominum qui hoc [illegible] [illegible] ut illam recipiant suum praebent assensum, vel potius ut jam [illegible] [illegible] Ecclesia [illegible] [illegible] [illegible] [illegible] consociari inveniuntur, proprio tamen pacto unionis sive explicito [illegible] implicito conficitur, ex quo etiam jura Civitatis sunt deducenda. — 2° Fine; [illegible] enim Ecclesiae in Veritate, Virtute et aeterna fidelium felicitate consistit sup[illegible] [illegible] ratione [illegible] obtinenda [illegible]. Finis autem proximus [illegible] [illegible] fieri [illegible] [illegible] [illegible] [illegible] habet ipsum jurium [illegible] [illegible] supremum, [illegible] hominis natura[illegible] [illegible] sibi contradicat; Civitas autem pro fine proximo habet tan[illegible] [illegible] opportuniorem jurium modalitatem. 3° Objectis: Objecta enim [illegible] [illegible] mysteria [illegible] [illegible] civitatis sunt temporalia negotia. 4° Mediis: cum Ecclesia mediis superna[illegible] [illegible] civitas autem [illegible] [illegible] [illegible] [illegible] — [illegible] [illegible] Mediisque a Societate Civili differat, [illegible] essentialiter distincta [illegible] [illegible] communio [illegible] natura [illegible] [illegible] non est [illegible]; [illegible] non est [illegible]

Ar. IXI

Ecclesiastica Potestas a Civili distincta etiam in iis quae ad exteriorem disciplinam pertinent ab ea non pendens atque suprema

[illegible]

finis quem [illegible] quae [illegible]
[illegible]
[illegible]
esse non [illegible], nisi [illegible]
[illegible]
Id autem multiplicem confirmatur ex scopo Christi in Ecclesia instituenda
[illegible]
[illegible]
ut non posset Ecclesia rite munera sibi divinitus commissa fungi si ipsum [illegible]
[illegible]
[illegible] consequentium, [illegible]
[illegible] civili potestati concederetur [illegible]

Duo quaenam argumenta [illegible] potestatis [illegible] praecellant; qui tamen vellent [illegible]
[illegible]
[illegible]
[illegible] principum [illegible]
[illegible] disciplinae [illegible]
[illegible]
[illegible] non aliam potestatem [illegible]
[illegible]
[illegible] non sunt illorum partes [illegible] primum, et licet potestatem Legislativam Ecclesiae in iis quae ad exteriorem disciplinam pertinent aperte non negent, eam tamen civili potestati subordinatam faciunt eam [illegible] temporales et sensibiles [illegible]

Et perperam omnino. Nam 1° constat plura ab Apostolis [illegible] exterioris disciplinae capita fuisse sancita, ut e. g. cum legem statuerunt [illegible]
[illegible]
[illegible] observanda [illegible] ad Cor. VII,
[illegible] ad Cor. II [illegible]
[illegible] vel suspicari Apostolos [illegible] has leges constituisse, ex Synagogae cujus legales caeremoniae

monias abrogabant, vel ex Romanorum Imperatorum, [illegible] Religioni Christianæ adeo infensi erant, auctoritate, unicuique [illegible]

2° Id ipsum evincitur ex rei natura. Quo namque tendit Ecclesiæ disciplina nisi ad ad[illegible] Religionem [illegible] [illegible] animum sancti[illegible]? [illegible] [illegible] [illegible] [illegible] [illegible] sua natura ad finem spiritualem dirigitur - ergo pertinet ad solam Ecclesiam [illegible] [illegible] [illegible] Patres [illegible] [illegible]

[illegible] Athanasius, (Hist. Arian. N. 52) sic interrogat Constantinum Imperatorem: „Quodnam Ecclesiæ decretum ab imperatore accepit „auctoritatem„? Et magnus Hosius Cordubensis sic ad eumdem imperatorem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nunc „tu his de rebus præcepta mandes, sed a nobis potius hæc discas. Tibi Deus „imperium tradidit, nobis Ecclesiastica concredidit, ac quemadmodum qui „tibi imperium subripit, Deo ordinanti repugnat, ita metue ne si [illegible] „Ecclesiastica pertrahas, magni criminis reus fias. Reddite scriptum „quæ sunt Cæsaris Cæsari, et quæ sunt Dei Deo„. Sic etiam Sanctus Ambrosius alloquebatur Valentinianum Imperatorem (Ep. 20. N. 16). „Noli „te gravare imperator, ut putes te in ea quæ divina sunt, imperiale [illegible] „jus habere ... ad imperatorem palatia pertinent, ad nos Ecclesiæ„ [illegible]

[illegible] exterior disciplina ad principes pertinet quia in politicum regimen [illegible] [illegible] influit et in status utilitatem, nullus erga erit in Religione, nisi [illegible] [illegible] ritus tam sacer, nulla tam religiosa functio [illegible] [illegible] sacerdotale munus et officium, de quo eamdem ob causam, quod externa [illegible] [illegible] [illegible] [illegible] [illegible], neque [illegible] potestas [illegible] [illegible] [illegible] [illegible] Quod absurdum esse nemo est qui non videat vel ab ipsis abnegatum adversariis, imo neque a protestantibus, ac projectis [illegible] [illegible] [illegible] tamen sibi suisque principiis de identitate Status et Ecclesiæ, vel de forma democratica data juxta ipsos Ecclesiæ suæ, cohærentibus.

[illegible]

endo, ut declaratur in Capitulari Childeberti regis: « Ut plebs quæ sacerdotis præcepta non [illegible] [illegible] custodit nostro etiam coerceatur imperio ». Quod non [illegible] [illegible]

N° XLII

Ecclesia non est in Civitate.

Cum Ecclesia Origine, Fine, Objectis ac Mediis a Civitate essentialiter differat, cum ejus potestas a Civili distincta sit et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sententiam Ecclesiam esse in Civitate. Hujusmodi paradoxum suum habet originem ex præpostero Civitatis et Ecclesiæ conceptu, scilicet authumant Civilem Societatem esse omnium primam ac supremam, quæ omnes [illegible] [illegible] [illegible] Quare hæc arguunt [illegible] [illegible] [illegible] Ecclesia igitur in Civitate affirmatur atque ab ea [illegible]. At nos jam demonstravimus existere naturalem generis humani societatem quæ omnes alias humano facto [illegible] [illegible] [illegible] [illegible] omnes [illegible] [illegible]; hujus [illegible] [illegible] supplementum [illegible] [illegible] [illegible] [illegible] [illegible] Christo institutam ad æternam omnium hominum salutem [illegible] [illegible] [illegible] [illegible] hanc Societatem vel ab ipsa nativitate [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], universalem Ecclesiam [illegible] et nuptæ cum particularibus confundentes. Concedimus quidem Ecclesias particulares vel nationales intra fines regnorum [illegible] ac in territorio ipsorum existere (Quo sensu forsitan nonnulli ex antiquis dixerunt Ecclesiam esse in Civitate) verum observamus Ecclesiam [illegible] [illegible] [illegible] personam moralem perfectam cum propriam ac separatam existentiam habeat cum non sit nisi pars indivisa unius Ecclesiæ catholicæ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] primum semet Ecclesiam [illegible] [illegible] [illegible] [illegible] jungitur atque in schisma prolabitur.

Hoc in loco memoratu dignissima sunt verba quibus venerabilis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] aliisque annis ad meliorem [illegible] [illegible] [illegible] Christi [illegible] [illegible] [illegible] germanis [illegible] [illegible] titulus. De pace inter Eccle: [illegible] [illegible], ita sonant in Italica versione: „

Che [illegible] la Chiesa? Si dice: Essa è una Società, una società nello stato, come le società industriali delle strade ferrate o della navigazione, [illegible] [illegible] società nello stato, società eventuali temporarie, le quali per [illegible] la esistenza han bisogno come i loro statuti della sanzione del [illegible] no, e possono essere disciolte con un semplice decreto [illegible] [illegible] [illegible] torità. Si dice ancora che essa è una società la quale [illegible] [illegible] per celebrare in comune il culto divino e non [illegible] [illegible] quando uscita da suoi tempii ha cessato di soddisfare siffatto dovere. [illegible] [illegible] la si confonde con talune società separatesi dalla Chiesa Cattolica, „ che nell'atto di loro separazione gettaronsi di necessità nelle braccia degli stati. „ Non manca persino chi essa designato qual trovato utilissimo ed istituzion „ politica vantaggiosa [illegible]

„ Non havvi una sola delle Società religiose separate dalla Chiesa di „ cui non si conosca bene da tutti come l'inventore così l'epoca di tale sepa„ razione. Ma d'altra parte si sa egualmente ed in modo non [illegible] „ nato chi ha edificato la Chiesa Cattolica. E chi mai egli è [illegible] [illegible] fon„ datore della sua [illegible] Chiesa se non Colui che [illegible] [illegible] „ Pietro [illegible] [illegible] questa Pietra io fabbricherò la mia Chiesa [illegible] [illegible] [illegible] [illegible]

Come! La Chiesa Cattolica nello Stato! Essa la quale nella [illegible]„ sione non ha altri confini che quei dell'universo, e riguardo al tempo non „ conosce altri limiti che la durata del mondo? Essa la quale non ha altra [illegible] [illegible] [illegible] [illegible] tutti gli [illegible] [illegible] „ sudditi nel vasto suo seno, e di abbracciare come una madre tenera e fedele „ tutti i popoli della terra! Essa la cui mano paterna ha unito l'umana [illegible] [illegible] [illegible] [illegible] [illegible] „ le loro istituzioni sociali, le più piccole come le più grandi, Essa questa „ [illegible] [illegible] [illegible] „ [illegible] [illegible] [illegible] „

alle loro leggi politiche, ma ubbidiente alla volontà di Colui che [illegible] [illegible] fa nel cielo come sulla terra (Matth. XXVIII) e che [illegible] [illegible] [illegible] Chiesa Universale non sarà fuorchè una [illegible] [illegible] [illegible] [illegible] [illegible] ad un'epoca nella quale già da molti secoli le [illegible] capricci [illegible] [illegible] [illegible] Sarà ciò in questi tali [illegible] strettamente circoscritti in alcuni punti della terra [illegible] alla Religione de' loro sovrani o di una parte de' loro sudditi dalla Chiesa universale abbandonando la casa della loro madre e per giustificare questo snaturato bandono sostenendo di non aver avuto mai la madre! E piuttosto questa Chiesa [illegible] a guisa delle Confessioni tra se stesse separate si dividerà in frazioni territoriali [illegible] [illegible]mente circoscritte nei più o meno estesi confini [illegible] Stati? Così questa Chiesa unica perchè Universale si incorporerà [illegible] istituzioni politiche le quali Stati si appellano? Il regno de' [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sistono fuorchè nel mondo e pel mondo! L'in[illegible] [illegible] [illegible] di ciò che è di una natura distruttibile; l'immutabilità collegherebbe il suo eterno destino con ciò che sotto mille forme e in mille circostanze è essenzialmente sottoposto alla variazione dei tempi degli avvenimenti e dei capricci dell'uomo! La Chiesa depositaria [illegible] [illegible] [illegible] che è eterno si confonderebbe cogli Stati che non hanno da conservare se non quello che appartiene alla terra ed al tempo!

Perseguitata dal ferro e dal fuoco, più sovente e con più artificio insegnata dall'eresie le cui sataniche arguzie dimostrano l'infernale loro origine [illegible] [illegible] [illegible] [illegible] [illegible] suoi figli! [illegible] [illegible] [illegible] [illegible] bestemmiata, oppressa, violentata; il [illegible] possibile avvinta. Stretta in catene, saccheggiata e spogliata delle sue [illegible] [illegible] fondate pel bene dell'umanità [illegible] [illegible] maggiori [illegible] mutazioni del suo sposo divino [illegible] medesimi patrimonii [illegible] [illegible] alla [illegible] la cui custodia le è affidata. Tuttavia è conservatrice della vera scienza e delle belle arti; chiamata a formare la gioventù incaricata [illegible] [illegible] dell'umanità. Ella è la fedele depositaria di amore e di [illegible] Guidando e conducendo continuamente gli uomini che non

[illegible] benedicendo ciascuno di essi dalla culla sino alla tomba ed eziandio al di là della tomba; abbracciando ad un tempo tutti i membri delle sue parti trionfante militante [illegible] gli selvaggi e popolando i deserti. — Inaccessibile al timore potente per la sua benedizioni santa tuttavia e sacra ai [illegible] in tutte le parti del mondo, grande e gloriosa agli occhi dei potentati, [illegible] di una autorità estesa per guisa che [illegible] che sola ha sua radice nella fede, e da cui perciò ogni altra autorità [illegible] ricevere il principio della sua stabilità. — Innanzi a lei [illegible] una moltitudine di Stati di nazioni di conquista [illegible] alle [illegible] vengono [illegible] furiosi dell'Oceano del mondo cui sollevano sin dalle [illegible] le porte d'Inferno e la cui impura schiuma è dispersa ma la sabbia che innalza la tempesta del deserto [illegible] dall'aura [illegible]

N.^ro XLIII^mo

Objectio [illegible]

[illegible]

quæ Respublica vel suppeditat vel tuetur [illegible] [illegible] [illegible]
[illegible] [illegible] legitimi [illegible] [illegible] [illegible] maxim[illegible]
stianæ virtutis quam sibi Ecclesia pro fine proponit affert adjumentum.
Respublica vero si cives habeat tranquillos probos obedientes id omnino debet Ecclesiæ. Hæc enim efficit ut [illegible] [illegible] [illegible] non tam [illegible] [illegible] [illegible] legitimitatem quoque actionum [illegible] [illegible] [illegible] [illegible] ut peccatum condemnat exactam præcipit [illegible] [illegible] [illegible] [illegible] subjectionem denique [illegible] [illegible] [illegible] [illegible] ordinatis [illegible] bilem maximopere inculcat. Quare [illegible] Ecclesiam et [illegible] alteram in altera non contineri sed coexistere ut duas personas morales juridicas [illegible] [illegible] independentes et perfectas quarum utraque tendit ad generis humani feli[illegible] [illegible] [illegible] diverso sub respectu [illegible] [illegible] [illegible]

A XLIV.

Limites utriusque Potestatis.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ab alia distincta et independens consequitur quamque suos hab[illegible] [illegible] [illegible] ipse Deus et quos proinde prætergredi nefas est. Hi autem [illegible] [illegible] [illegible] quam unaquæque potestas præstitum habet [illegible] [illegible] [illegible]
1° Objecta quæ finem Ecclesiæ proxime et directe spiritualem [illegible] [illegible] [illegible] etiam civilem Rempublicam attingant, ut sunt res fidei, morum, disciplinæ, causæ et crimina stricte Ecclesiastica, [illegible] stricte spiritualia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et directe consistunt, licet remote et indirecte etiam Ecclesiam attingant,
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] vero mixta quæ rationes disciplinæ ac politiæ ecclesiasticæ [illegible] [illegible] includunt sub diverso respectu ab Ecclesiastica et civili potestate dependent.
[illegible] [illegible] [illegible] [illegible]
[illegible] quoad secundas civilis potestas decernit. Si vero separari nequeunt [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] potestas decernit et quam

[illegible]

[illegible] Interim monemus in forensis judiciis hoc [illegible] attendendum – a) Unaquaeque potestas habet jus, salvis alienis juribus [illegible] – b) [illegible] – c) [illegible]

§ XLV

Ius et munus protectionis et Ius cavendi utrique Societati proprium

Cum Ecclesia et Civitas Sacra et Politica potestate [illegible] ministrata mutuo sibi sunt subsidio, rectores autem Ecclesiae [illegible] et politici [illegible] Societatis [illegible]

[illegible]

[illegible] Canones.

[illegible]

[illegible] independens tum quia est ipsa civitate praestantior [illegible] tutionem [illegible] beneficium [illegible] proindeque [illegible] [illegible] [illegible] beneficium non [illegible] cum ipsa jure naturae [illegible] bonum vel mali competens judex sit. Quapropter civitas nullum jus habet Ecclesiam pro[illegible] [illegible] cum ipsa protectionem recusat vel alia ratione [illegible] quam ipsa protegi vult cum ipsius sit judicare quando vel quomodo protectio ejusque [illegible] sibi damno sint vel utilitati [illegible] Ecclesiam [illegible] justum afferre potest extraneam actionem et influxum in regimine ipsius interno, multo minus circum[illegible] Ecclesiasticos rectores [illegible] ad libertatem Ecclesiastici regiminis in[illegible] [illegible] [illegible] [illegible] nis cum ipsius exercitio numquam confundi debet.

Quod vero spectat jus Cavendi [illegible] timor ne civitas ab Ecclesia [illegible] [illegible] et impedita in sole [illegible] [illegible] fundamen[illegible] [illegible] nullum [illegible] civitatis jus dammum Ecclesiae ad sui cautionem [illegible] [illegible] per media praeventiva quod sit veluti infamiae nota inurunt; sed tantum [illegible] [illegible] [illegible] cludantur tum [illegible] [illegible] [illegible] [illegible]

A XLVI

Nexus Ecclesiae cum Statu Catholico

[illegible] hucusque diximus de Ecclesiae et Civitate distinctione et [illegible] [illegible] et [illegible] valere debent pro quolibet Statu qui in suo terri[illegible] [illegible] exercitium [illegible] [illegible] [illegible] [illegible] regnum magis est [illegible] [illegible] naturalem generis humani [illegible] [illegible] hominibus [illegible]; [illegible] summum [illegible] [illegible] [illegible] omnib. constitutae necessa[illegible] [illegible] [illegible] debet. Hinc inferimus societatem quamcumque [illegible] hominibus

[illegible] essentialem obligationem [illegible]
[illegible] nunquam [illegible]
[illegible] paci ac prosperitati semper [illegible]
[illegible]
[illegible] Catholicus [illegible]
[illegible] conscientiam offendat. [illegible] officium conformandi [illegible]
[illegible] politicum [illegible]
[illegible]
[illegible] Ecclesiastica [illegible]
[illegible] ordini [illegible]
[illegible]

rata, [illegible] [illegible] Pontificem [illegible]
[illegible] observationibus [illegible] contra [illegible]
[illegible] temporalem [illegible] [illegible]
[illegible] ejus imperium contra reges et subditos sacra auctoritate [illegible].

§ XLVII.

Objectio Prima.

Non desunt quidem pseudo-politici [illegible] mundis ordinibus [illegible] ordinationibus [illegible] manifestis; si id obtineat actum [illegible] [illegible] [illegible] temporalium autem [illegible] temporalem [illegible] actionem [illegible] nii amplitudinem [illegible] vivendi rationem [illegible]

[illegible] [illegible] unime [illegible] scilicet [illegible] [illegible] [illegible] affirmare Christianismum [illegible] [illegible] [illegible] [illegible] Si vero nos rursus quod nam sit medium pro Christianismus seu Ecclesia Catholica utilior ad hunc civilem cultum producendum, respondemus [illegible]

[illegible] [illegible] tres velut gradus distinguere possumus [illegible] omnibus [illegible] consistit in hoc ut [illegible] [illegible] [illegible] Christi [illegible] [illegible] [illegible] contemplatio civilis progressionis ad [illegible] [illegible] principium [illegible] [illegible], est conditio necessaria

5

[illegible] stabilis; nam a) perficit animam humanam et praedomi[illegible] elementi moralis in physicum, spiritus in materiam, honesti in delectabilis. b) praebet antidotum [illegible] bona sensibilia [illegible] resecans ab eorum complexu quidquid virtuti nocet [illegible] immodicis cupiditatibus ne fines [illegible] transiliant. c) [illegible] activitatis [illegible].

Ultra contemplus temperantium gradus [illegible] non praecipitur [illegible] consilium [illegible] communes sed eorum tantum prop[illegible] perfectionis [illegible] contendant situs est in he[illegible] in se spectata sed ea tantum [illegible] [illegible] [illegible] omnia in gloriam Dei [illegible]. Et hic pariter gradus civilem progressum promovet [illegible]

[illegible]

[illegible] detrimentum [illegible] gloriari [illegible] Domini nostri Jesu Christi per quem mihi mundus crucifixus est et ego mundo [illegible] [illegible] nullam [illegible] [illegible]

[illegible] ad humanum [illegible] [illegible] [illegible] [illegible] [illegible] ordo, [illegible] [illegible] magnificum [illegible] et nobilissimum ornamentum est et supremum [illegible] illius decus esse debet. [illegible] tantam virtutem licet paucorum sit, ob vim et efficaciam exempli calcar [illegible] addere mediocrium [illegible] et [illegible] [illegible] [illegible] [illegible] quae moralem ordinem sustentans et promovens humanum [illegible] progressum [illegible] sustentat et efficaciter adjuvat qui suum [illegible] [illegible] [illegible] [illegible] principium ac [illegible] [illegible] [illegible] circa [illegible] [illegible]. Hinc est quod experientia omnium seculorum [illegible] nunquam magis societatem [illegible] [illegible] [illegible] [illegible] [illegible] Religio [illegible] [illegible] [illegible]

[illegible] XLVIII

Objectio Secunda

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] exaggerantes auctoritatem seu auctoritatem [illegible] sacerdotum in homines et cultus observantias cum detrimento libertatis [illegible] [illegible] [illegible] [illegible] [illegible] comparatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Christianismum. Apud Protestantes enim vigeant industria [illegible] [illegible], mores efflorescunt, contra apud Catholicos omnia languent.

[illegible] [illegible], auctoritatem seu imperium sacerdotum cum vera libertate et rerum administratione optime consistere [illegible] [illegible] [illegible] [illegible] [illegible] politica libertate etiam penes Status unitos Americae [illegible] [illegible] [illegible] sacerdotum liberrime suum exercet imperium et influxum. Influxus enim sacerdotales non afficit nisi rectam morum institutionem ex qua omnia bona in societatem profluunt homines sub tali influxu sinceri, veraces, justi [illegible] efficiuntur in contractibus in publica rerum administratione [illegible] [illegible] [illegible] officiis rite persolvendis ceterisque omnibus in quibus [illegible] [illegible] consistit. Potest quidem ex ignorantia vel malitia alicujus individui aliquis [illegible] [illegible] [illegible], at hujusmodi abusum Ecclesia condemnat [illegible] [illegible] [illegible] [illegible] facile tollitur.

[illegible] quo non solum Deus honoratur sed etiam promovetur cultus interior et homines inter se arctiori vinculo constringuntur, quod ad Societatis bonum maxime confert. Hoc autem sublato ipso [illegible] Protestantesimus [illegible] promoveat in Deismum et Rationalismum declinabit quo nulla pestis [illegible]

Quidquid porro dicant adversarii de honestate [illegible] ribus compositum est quam corrupti et perditi mores [illegible] ratim apud eos sunt. Utinam non ita esset! Neque enim [illegible] pertit de fratrum errantium corruptela!

Quod addunt de industria et commercio apud populos Septentrionales [illegible] Certe Catholici in Anglia, Hibernia, Germania, Gallia nec [illegible] modo [illegible] et Ecclesia ut ipsi autumant.

Art. XLIX.

Objectio Tertia —

[illegible] Religiosa Libertas [illegible] publice profiteri quae sibi magis arridet [illegible]

[illegible]

in rebus Religionem attinentibus, et distingui solet in Dogmaticam, Christianam sive Charitatis, et Civilem.

Tollerantia Dogmatica [illegible] et Theologica [illegible] indifferentia [illegible] Indifferentismus, [illegible] expressa vel tacita professio veritatis omnium Religionum, omniumque sectarum, quae [illegible] Religionis [illegible] veras ad bonas hominique [illegible] omnes [illegible] tollerantia [illegible] ni [illegible] facile agnoscit plures contradictorias doctrinas quae veras esse non possunt [illegible] Deo acceptas hominique utiles; adversatur [illegible] Evangelio ubi Christus nos docet. „Qui non est mecum contra me est [illegible] mecum dispergit (Luc. XI. 23)„ – „Qui non crediderit condemnabitur„ – „[illegible] Ecclesiam non audierit sit tibi [illegible] publicanus„

Tollerantia Christiana sive Charitatis a [illegible] omnia aliarum Religionis asseclis officia ad communem [illegible] pertinentia praestemus; [illegible] sequentes quo quisque hominum [illegible] judicatur.

Tollerantia Civilis [illegible] civilium [illegible] decorata quae Religio Status vel Religio Dominans dicitur. [illegible] confessiones [illegible] omnes [illegible] nulla dominans [illegible] sed omnes [illegible] Atque haec postremum expostulant Religio [illegible]

[illegible]

1° [illegible] protectionem [illegible] moralitate [illegible] contra [illegible]

2° [illegible]

[illegible]

[illegible] casu prim [illegible]

[illegible]

3° [illegible] mentium [illegible]

[illegible]

4° [illegible]

[illegible]

A. L

Conclusio

Ut igitur ad illud redeamus quod propos[illegible] [illegible] clesiæ cum Statu Catholico, ex omnibus quæ diximus apparet indeclinabilem esse [illegible]

[illegible] præstantissimi juris-periti et politici [illegible]

[illegible] di piccinoli sistemi scolastici e dalle [illegible] deve sollevarsi alle grandi dottrine ed ai grandi avvenimenti della [illegible] sicurezza e del bene essere, affermazione della sua considerazione col riconoscere [illegible] le sue franchigie; appoggiarsi su questa [illegible] nella [illegible] la nobiltà e la grandezza della civiltà colla [illegible] [illegible] [illegible] designano [illegible]

[illegible] il minacciante universale rilassamento e contro [illegible] della incredulità e dell'egoismo.

Articulus II

De Juribus Connaturalibus Ecclesiæ relate ad omnes generatim homines omnesque societates atque de eorum juribus relate ad Ecclesiam.

Num. LI.

Jura Connaturalia Ecclesiæ

[illegible] connaturalia Ecclesiæ ea vocamus quæ ex ipsius natura illi profluunt et vi constitutionis iisdem prædita apparuit. Hujusmodi jura Ecclesiæ relate ad omnes [illegible] [illegible] Jus existentiæ, 2° Jus Recognitionis, 3° Jus Libertatis; 4° Jus Propagationis; 5° Jus Proprietatis. [illegible]

Num. LII.

a) Jus Existentiæ.

Ecclesia Christi jus habet existendi, quod sic probamus. [illegible] et juste jus habent existendi. [illegible] porro dicuntur illæ Societates [illegible] nihil [illegible] in fine suo in mediis continent moralitati contrarium; [illegible] [illegible] societas ipsa docenti [illegible] [illegible] [illegible] Libertate relationes innata [illegible]

naturalis, est jus supremum et naturale generis hum[illegible] est [illegible]
[illegible] tum perfe[illegible]
[illegible]
est. Si vero spectetur quatenus ab ea differt atque [illegible] differentiam [illegible],
[illegible] tendens ad existentiam magis augetur. [illegible] quanto [illegible]
[illegible] est [illegible] fine [illegible]
finis [illegible] facta est [illegible], ex insufficienti, sufficientissimum
ex difficillima ad [illegible] jus
habet [illegible]. [illegible]
[illegible]
[illegible] Christi. Cum enim Christus ecclesiam fundaverit
ut in ea et per eam omnes homines mediis idoneis essent instructi ad æternam
salutem assequendam, cum idcirco ei munus commiserit prædicandi Evangelium,
[illegible] consummandum [illegible] menta administrandi,
[illegible] ecclesia igitur [illegible] jus [illegible]
suo divino fundatore positive accepit.

N.us LIII.us
Consectarium

[illegible] numero præcedenti [illegible]
nec ullum [illegible] posse, quominus Ecclesiæ nomen dent.
[illegible] numero [illegible]
[illegible] et justè nomen dent nisi nova consociatio munia apostolica quæ eandem
[illegible] præcedenti [illegible]
[illegible]
[illegible]
[illegible] quam maxime promoveant. Insuper cum [illegible]
[illegible] ad ordinem supernaturalem collecta et ad summum complemen
[illegible]
hæc semper officiis et muniis ab Ecclesia impositis, subordinata esse debent. [illegible]
[illegible] nomen dent.
[illegible] superiore quoad subditos suos. Nullus enim supe[illegible]

[illegible] associationem subdito suo vetare potest nisi jus [illegible] ad eam libertatem [illegible] necessaria est ad [illegible] alienis [illegible] vero nullus superior [illegible] eam libertatem [illegible] singulis hominibus necessaria est ad [illegible] humanae personae [illegible] rebus quibuscumque [illegible] omnium hominum [illegible]. Ergo nullus superior prohibere potest subditos suos quominus [illegible] omnia [illegible] ad [illegible] [illegible]

N LIV

Objectio.

[illegible] non [illegible] — Respondemus 1° nominalium [illegible] plurimorum errorem [illegible] jus suum [illegible] conclusionem nostram. — 2° Jus liberae associationis [illegible] naturali [illegible]

[illegible] in hominem [illegible]

[illegible] ; et [illegible] [illegible] [illegible] respicit, nimirum [illegible] misitur [illegible], divinæ [illegible] potestatis, &c. Deberent igitur hujusmodi [illegible] Ecclesiam quidem quoad finem sibi propositum [illegible] [illegible] medio [illegible] [illegible] instituere, et historiam fundationis Ecclesiæ diligenter investigare [illegible] [illegible] divinæ suæ originis manifesta [illegible] argumenta. [illegible] [illegible] [illegible] Ecclesiæ [illegible] [illegible] [illegible] argumentis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] propemodum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] agnoverunt, [illegible] suis valeremus [illegible] [illegible] [illegible] [illegible] [illegible] eamdem cognitionem [illegible] [illegible] [illegible], etiam [illegible] [illegible] [illegible] [illegible] quia pervenire detrectant.

A. LV.

An possit Ecclesia vim externam adhibere ad Jus existentiæ defendendum.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] legitima [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] violentam. Nam si rationibus tantum utcumque [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fidei commendati imminere; nisi enim hujusmodi periculum esset [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] evitandum, cum finis Ecclesiæ salus consistat [illegible] [illegible] [illegible] [illegible] communitatem fidelium et Ecclesiasticam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] communitatem [illegible] [illegible] adhibere posse [illegible] sui defensionem, et ratio est quia [illegible] morale officium [illegible] [illegible] [illegible] quod ei proximam præbet occasionem peccandi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cum aliorum perversitas proximam inducit peccandi occasionem, nec alia [illegible] [illegible] [illegible] sunt ad illam vitandam. [illegible] in casu vis adhibetur [illegible] tra injustum aggressorem ad defendendum bonum morale, [illegible] [illegible] [illegible] [illegible] [illegible] communitatem fidelium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ut quantum fieri potest [illegible] principiis dijudicanda sunt bella [illegible] dicta Religionis de quibus plura et quidem contradictoria reperire est apud scriptores. [illegible] semper opportunum ut externam [illegible] questio prudentiæ; nec ignoramus illa quandoque dari [illegible] rerum [illegible] juncta quæ juris alicujus exercitium impellant.

§ LVI
b) Jus Recognitionis

Jus Recognitionis Socialis idem est ac jus ut cæteri homines cæteræque [illegible] civiles [illegible] ex quo jura et obligationes promanant. [illegible] nec recusantur quæ invicem contraxerunt [illegible] constituunt. Quapropter recognoscere existentiam Ecclesiæ est ipsius constitutionem [illegible] membris agere: et nemo ad suas obligationes Ecclesiasticas violandas con[illegible] tur aut inducatur, vel juribus suis Ecclesiasticis fraudetur. Hoc autem jure prædictam esse Ecclesiam sic probamus. Quævis Societas quæ jus existendi, [illegible]

[illegible]

... jus ipsi tribuunt uno auctoritatem infinite majorem existendi; jus recognitionis est necessarium ac proximum juris existendi consectarium.

Art. LVII

c) Jus Libertatis.

Jus Libertatis quod omnibus membris competit [illegible] in [illegible] obligationibus [illegible] ex hucusque [illegible] existendi et recognitionis jus [illegible] Ut enim has obligationes et hæc jura socialia omnes recognoscere, si omnes ea [illegible] et nullum inquam pleno ipsorum exercitio impedimentum [illegible] et nullum nisi indirecte id fortasse contingat ex usu quem quis faciat juris sui [illegible] membri [illegible] recognitionem idoneitatis suæ et facultatis acquirendi jura illa omnia quæ corpora [illegible] et quidem iisdem quibus [illegible] societates omnes naturalibus titulis. Plura quæ ad hoc jus [illegible]

Art. LVIII.

d) Jus Propagationis.

Jus Propagationis quod habet Ecclesia catholica sequentibus nititur argumentis.

1°. Ecclesia Catholica est magisterium veritatis et schola virtutis. [illegible] omnes connaturale jus habent veritatem aliis communicandi et virtutem [illegible] [illegible] personalitatis [illegible] 2° [illegible] quam maxime [illegible] qui agg[illegible] omnes [illegible] habent [illegible] Ecclesia Catholica [illegible] ut existendi [illegible]

4° Ecclesia Catholica est ipsa generis humani [illegible] a Deo [illegible] quisque proinde homo statim ac eam cognoscit jus habet obligationem

[illegible] beneficentiæ opus ad id profecto jus habet. — 3° Denique jus Propagationis [illegible] [illegible] [illegible] prædicare evangelium omni creaturæ, docere omnes gentes easque baptizare (Matth. XXVIII, Marci XVI), id est in Ecclesiam aggregare.

§ LIX

Utrum Ecclesia in hujus juris exercitio vim externam adhibere possit.

Quamvis [illegible] facultatem [illegible] Propagationis. Nova est manifesta [illegible] S. Gregor. M. (epist. 52 ad [illegible]) est ista prædicatio quæ [illegible] exigit fidem.

Quærunt alii externa cogere ad [illegible] in sua propagatione quam genuinam, solitam ac præcipuam verbi Dei prædicationem [illegible]. Hæc [illegible] [illegible] in mundum universum prædicate evangelium omni creaturæ [illegible] sides et ad reges ducemini propter me in testimonium illis et gentibus [illegible]

[illegible] "dere" [illegible] potius timete eum qui potest et animam et corpus perdere in gehennam", Matth. X). Cum autem Samaritani noluerunt illum recipere in civitatem suam, et Apostoli Jacobus et Joannes vellent illos consumere igne e caelo demisso, [illegible] increpavit illos dicens: "Nescitis cujus spiritus estis; Filius hominis non venit animas perdere sed salvare", [illegible] Luc. IX.

Art. LX.

e) Jus Proprietatis.

[illegible] Ecclesia connaturale jus Proprietatis habet [illegible] di et conservandi dominia pura, bona temporalia quaecumque [illegible] Licita et Justa: omnes autem societates licitae et justae, generatim loquendo [illegible] positionibus vinculum. a) Nihil est in natura juris proprietatis quod impediat quominus societati potius quam individuo inhaereat. — b) Consociatio est [illegible] naturae quod omnes recognoscere debent. Quod primam propositionem [illegible] [illegible] inviolabile [illegible] [illegible] societatis haberi [illegible] quoties factum positum est quod titulum proprietatis consti[illegible] [illegible] autem titulus ab individuo aeque ac ab individuorum societate [illegible] [illegible] ergo inviolabile esse debet etiam cum a quavis societate [illegible] [illegible] habet [illegible] [illegible] Ad alteram autem propositionem quod [illegible] [illegible] legitimas [illegible] [illegible] [illegible] proprietates suas praesentes et futuras in communionem conferant [illegible] [illegible] omnia [illegible] debent ab omnibus etiam societati extraneis, jus enim proprietatis individui [illegible] diligant, limitent, in communionem conferant [illegible] [illegible] vel pacta quaedam ineunt circa rei propriae administrationem [illegible] [illegible] quod in hujusmodi individuis supponitur [illegible] quae hic ipsa obligatio relinquendi possessori suo [illegible]

[illegible]

11

Nus LXI

Jura omnium hominum erga Ecclesiam.

a) Jus eam cognoscendi.

Propositis vindicatisque juribus Ecclesiæ erga omnes homines [illegible] soci[illegible] [illegible] dent. Quidem jus eam cognoscendi omnibus hominibus ita connaturale est, [illegible] [illegible] latem [illegible], id est non immoralem non tenerentur ad eam ita stricte [illegible] noscendam ac si eam agnoscerent ut societatem ad salutem et perfectionem [illegible] humanam ab ipso Deo fundatam. — Jus cognoscendi secum habet omnino etiam jus examinandi; non tamen facultatem [illegible] examen hujus [illegible] [illegible] instituendi, vel animo præjudiciis obnoxio, aut contra ordinem logicum, vel [illegible] ratione hoc jure abutendi.

Nus LXII

b) Jus ad aggregationem.

[illegible] liber homo et quidem cum homo est Evangelio sibi proposito [illegible] dens jus habet [illegible] est ipsa humani generis societas ad ordinem supernaturalem evecta [illegible] omnium hominum salutem a Christo [illegible] nata. [illegible] sequitur [illegible] [illegible]

1° [illegible]

a) Ex societatis natura; est [illegible] divino, fit per contractum [illegible] intrahuntur [illegible] tho in Ecclesiam [illegible] citur. Qui ergo in Ecclesi[illegible] quod attinet vinculum dominii [illegible] in baptismo, quo [illegible] in suam servitutem recipit [illegible] ineffabili [illegible] character [illegible] servitutem mancipatur. Porro hoc dominium [illegible] intellectualis, hic eff[illegible] maxima imperfectio [illegible] Ecclesiae in bonorum [illegible] propter [illegible] renunciant [illegible] fine habeat [illegible] Deum obsequium, quod maximum creaturae bonum [illegible] ob eamdem rationem Ecclesia ad bonorum suorum communicationem non admittit nisi eos libero et sincero amore eam inire volunt. Verum si de [illegible] quis semel in Ecclesia est cooptatus, jus ab ea discedendi non habet [illegible] per contractum ut diximus, perpetuo obstrictus est, et promisit se in perpetuum mansurum. Ob hanc igitur promissionem quae cooptationi absolute [illegible] Ecclesiam [illegible] Qui ergo ab Ecclesia [illegible] in sua sedem [illegible]

[illegible] communicationem bonorum [illegible] ad implendas; nec umquam [illegible]

[illegible]

... Ecclesiae Christi ... in nulla alia ...

Art. LXIII

c) Jus Protectionis

Quilibet homo et quaelibet societas aliorum jura, multo vero magis Ecclesiae jura protegendi jus habet. Hinc enim est actus beneficentiae et religion[is]. [illegible]

Articulus IIII

De Juribus Connaturalibus Ecclesiae relate ad membra sua nec non de Juribus connaturalibus singulorum fidelium

I

Art. LIV

Jura connaturalia Ecclesiae relate ad membra sua ad tres classes revocantur

[illegible]

[illegible]
ba Luc. x. 16, Joan XIII. 20 „Qui vos audit me audit, qui vos spernit me sper
nit„ ; ideoque in ipsum Christum peccat qui eos non audit eisque non obtemperat.
[illegible]
iis omnibus quæ ad cultum Dei et salutem animarum spectant. Itaque [illegible]
lus (ad Hebr. XIII. 16) „Obedite, inquit, præpositis vestris, et subjacete eis„
et statim subdit; „Ipsi enim pervigilant quasi rationem pro animabus vestris reddi
turi„. Si etiam qui in altissimo dignitatis gradu collocati sunt, reges ipsi et su
[illegible]
lasius Papa ad Anastasium Imperatorem „Sancto, inquit gravius pondus est sa
cerdotum, unde etiam pro ipsis regibus sunt reddituri examine rationem„ ; in
canone XI Distinct. 96 hæc habentur; „Si imperator catholicus est filius est, non
præsul Ecclesiæ [illegible] religionem competit discere ei convenit non docere.
„Deus enim voluit [illegible] potestati ut fideles sunt Ecclesiæ suæ sacerdotibus esse
[illegible]
lis Illiberitano can. 1. 3. 57, Arelatensi I. can. 7, ex Basilii ad Athana
[illegible]
[illegible]
[illegible] Christus enim contulit Apostolis potesta
[illegible]
iura Magisterii, Jura Ministerii, Jura Regiminis. Verum [illegible]
nos ad singula iura [illegible]
propositum est; sed de nonnullis tantum quæ maiori curæ [illegible]
minum majorem excitarunt invidiam et contradictionem.

A^{us} LVX

a) Jura Magisterii.

Unius Ecclesiæ est dogmata fidei et morum doctrinam fidelibus sibi subditis proponere.

[illegible]
dibus proponere certissimum apud omnes catholicos est. Soli enim Apostolis eorumque
successoribus munus docendi Christus commisit; ipsis suis inquit promisit assisten

tectamque servet; ut [illegible] et decreta eorum tum exemplo [illegible] [illegible] [illegible] medus sibi proprius [illegible] [illegible] pernitiosos proscribat et exterminet; ut Religionis veræ oppug[illegible] [illegible] Ecclesiasticarum contemptores compescat.

Art. LVIX

Corollarium I^m

Ad solam Ecclesiam pertinet juventutis in sortem Domini vocatæ educatio.

Cum omnis [illegible] fideli [illegible] fidelibus ubi subditis proponere esse [illegible] alios ad eam tantum pertin[illegible] [illegible] directionem.

Protestantes omnium primi ob adoptatum principium de identita[illegible] [illegible] [illegible] dissensus [illegible] principii [illegible] [illegible] [illegible] sed et scholarum ubi Ecclesiæ [illegible] [illegible] ulterius progressus [illegible] principes jure [illegible] remittit, determinando in aliquibus casibus [illegible] publicæ [illegible] doctrinæ. [illegible] quamplures [illegible] principi[illegible] bus ubique fere Ecclesiastica [illegible]

[illegible] [illegible] [illegible] doctrinæ custodes et interpretes infallibiles [illegible] solis enim apostolis dixit: Euntes docete [illegible] Jam vero cum adolescentes in sortem Domini vocati Evangelica doctrina sint imbuendi et ita quidem ut idonei fiant [illegible] [illegible] nisi solis Episcopis Apostolorum in munere [illegible] [illegible] praecipua jura et munera Timothei quem constituerat Ephe[illegible]

[illegible] canit Apostolus [illegible]

[illegible] opportuniori [illegible] Cum autem in hunc [illegible]

[illegible] nec aliud [illegible] veritate [illegible]

[illegible]

Cardinalis [illegible] [illegible] [illegible] [illegible] [illegible] commune

[illegible] exprimens: „Ubi nullus amor [illegible] erga Christum [illegible]

„ [illegible] [illegible] [illegible] incommode comparatum [illegible]

„ [illegible] quod efficax ad reparandum collapsum [illegible] [illegible]

„ agnoscebatur: cum certa sit regula in omni Republica tales habere cives qua-

„ les educantur„

[illegible] igitur [illegible] [illegible] naturam et Christi institutionem [illegible] [illegible] et instantem [illegible] [illegible] quido apparet ad solam Ecclesiam [illegible] [illegible] [illegible] in ordine [illegible] educationem.

A. LVIIX

Corollarium IIum

Ad solam Ecclesiam pertinet religiosa et mo= ralis filiorum suorum in publicis scholis institutio.

Et hoc pariter Corollarium ex sup[illegible]

Cum enim Christus solam Ecclesiam constituerit revelatae a se doctrinae custo- [illegible]

[illegible] jus ac munus gravissimum datum sit fideles omnes [illegible]

[illegible]

[illegible]

[illegible] ut Christum ipsum audire teneantur; sequitur [illegible] moralem filiorum suorum in publicis scho- [illegible] proinde cui hanc sibi arrogaret, jus videretur usurpa- [illegible] laederet et conscientiam catholicorum subditorum [illegible] offenderet. Quapropter [illegible] magistros in [illegible]

[illegible] ad episcopos pertinet libros in Relig. [illegible] instructione adhibendos determi- nare et praescribere. Ad episcopos pertinet caeterorum quoque magistrorum doctrinam expendere, ne quid a recta fide et moribus quomodocumque adversantia tradantur. Quae quidem vigilantia et inspectio cum in omnibus tum praecipue in inferioribus scho- lis episcopis omnino est concedenda; nam est facilior adolescentium perversio, cum [illegible] intellectus nondum excultus impar sit sophismatibus extricandis

[illegible] proprietati [illegible] dotes et auctoritate pollentes reveri solent, et eaque tenerella adhuc aetate addiscuntur altius re[tinentur] et maximum exercent in totam vitam influxum. Atque hinc etiam [illegible] in illis Statibus in quibus Unitas Religiosae doctrinae haberi nequit ob [diversitatem] Religionis [illegible] catholicos [illegible] posse plenam [illegible] libertatem exigere. Habet hoc jus Ecclesia [illegible] nequid fides aut mores filiorum suorum detrimenti capiant. Habent hoc jus patres familias catholici, et quidem ipsorum paternitati inhaerens quae tendunt ad reproducendos semet ipsos in filiis non solum quoad corpus [per actum] generationis sed potissimum quoad intellectum [illegible] ut [illegible] post mortem [illegible] celebrare [illegible] nobis contulit cum glorificandi [illegible] Italiae [illegible] catholicis [illegible] jura fami[liae] [illegible] et [illegible] Socialismo et Communismo viam aperire.

A. LVIIIX

Difficultates solvuntur

[illegible] expositum et [vindicatum] Ecclesiae jus in religiosa et morali filiorum suorum institutione haec praecipue solet opponi: 1° Episcopos [illegible] fallibiles esse, proindeque aliquam doctrinam [illegible] publice perniciosam in religiosa institutione introducere posse. 2° Episcopos illius politiae ignaros qua Status regitur, minus idoneos esse [illegible] in [illegible] quam [illegible] potestas [illegible] ad status firmitatem et florem [illegible] tectionis, Tum ex jure cavendi concludunt in statum ipsum derivari jus [illegible] inspiciendi et dirigendi instructionem universam [illegible] catholicorum conscientiae [illegible] provisum [illegible] Religiosae et morali instructioni ab Statu praefiniatur qui [illegible] vel etiam [illegible] episcopali dignitate sit insignitus.

[illegible] difficultatibus [illegible] et plene satisfecit auctor [illegible] – Teorie [illegible] sull' insegnamento – inserti in opere periodico cui titulus La Civiltà Cattolica – [illegible] primo [illegible] satis esse provisum catholicorum [illegible] „ [illegible] maestro del Cattolico

" e la Chiesa in quanto Chiesa, a custodire pastori [illegible]
" manti gerarchicamente uniti col corpo sotto l'influenza della mano [illegible]
" [illegible] affinchè [illegible]
" [illegible] e maturando [illegible]
" a regio ispettore degli studi sia dalla civile autorità destinato un chieri-
" co [illegible]
" dottrina e la santità qualunque nel cattolico la riverenza all'augusto
" carattere e alla pienezza del sacerdozio. Il cattolico non diminuirà mai [illegible]
" [illegible] portavoce [illegible] l'autorità della Chiesa [illegible]
" [illegible] perpetuamente [illegible]
" che potrà sempre [illegible] essendo evidente che verrebbe
" immediatamente cambiato il portavoce qualora pretendesse mutare una
" sillaba nel dettato di chi lo maneggia ". Deinde occurrit difficultas [illegible]
[illegible] pro [illegible]
" [illegible] fragilità anche nella dipendenza [illegible] tornata
" alle antiche usanze e prescrizioni dei canoni lasciando che si congiun-
" gano liberamente a disaminare e dottrina e disciplina in queglu augu-
" sti consessi onde sì rare furono in ogni tempo le aberrazioni, perchè
" governati in modo specialissimo dallo Spirito di Dio. Un sinodo è qui-
" di legittimo del vescovo [illegible] può correggere senza avvilirlo: e maggio-
" reggia sui sinodi stessi l'autorità [illegible]
" [illegible] cattolico
" tolico l'organo di verità moderatore dei maestri supremi e per mez-
" zo loro della [illegible] popolo. Qual felicità per noi di
" averlo sempre sì pronto a secondarci nel bene e mantenerci nel giusto!
" [illegible]
" [illegible] raddrizzare gli erranti un oracolo del Vaticano che [illegible]
" [illegible] Deinde occurrit ad postremam difficultatem
[illegible] instructionem
[illegible] politicum dirigere [illegible]
" troppo visto ormai e troppo manifesto cogli Europei moderni non pro-
" [illegible] animi avvezzi a non tollerare più neanche la legittima autorità

„ [illegible] petti si degni moderati, d'ogni mea [illegible]
[illegible]
„ dell'eroi che negli ordini dei naturali interessi non sapranno indovinare nei
„ [illegible] la utilità che li detta sebben camuffata in amor di verità [illegible]
[illegible] il primo [illegible]
[illegible]
[illegible]
[illegible] che [illegible] sua rara compiacenza [illegible]
„ [illegible]
„ [illegible] maggio [illegible]
[illegible] negli ingegni potenti che sentono vivamente la loro forza e la vostra
imbecillità in queste materie. Se all'opposto [illegible] alla [illegible]
sola legittima ove trattasi d'imporre il vero avrete dovuto a lei la [illegible]
[illegible] dei sudditi, giacchè parlo adesso di uno Stato cattolico [illegible]
[illegible]
[illegible] non col codice alla mano e i gendarmi alle [illegible], ma colla mano all'Evan-
[illegible] non discuterà [illegible]
[illegible] non reggerà sul Vangelo il sistema
[illegible] mancando [illegible]
[illegible]
[illegible] convincerli colle ragioni. Del resto [illegible]
se le vostre ragioni sono giuste all'intelletto, utili alla società, in tal caso [illegible]
[illegible] razionale dei fatti trarrà nuova forza dalla voce della Chi-
[illegible] che è fra elle politica ed economia; e le vostre [illegible]
[illegible]
[illegible] della Chiesa non complice del vostro [illegible]
le [illegible] rimarrà sterile speculazione negli intelletti; talchè [illegible]
[illegible]
[illegible] dei vostri disegni politici „. Ita [illegible] auctor [illegible]
[illegible] nulla legem [illegible] publicam instructionem
[illegible] Augustissimum vero Imperatorem [illegible]
[illegible] influ-
[illegible]

A. LXIX.

Jura Ministerii.

Unius Ecclesiæ est conditiones ad Sacramenta suscipienda requisitas determinare.

[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in nomine [illegible]
[illegible] Spiritum Sanctum, quorum remiseritis peccata remittuntur eis, quorum retinueritis retenta sunt. [illegible] [illegible] [illegible]
edit determinandi conditiones ad ea suscipienda prærequisitas; sine quo jure sibi
munere sibi commisso recte et fideliter fungi non potest. Quare Apostolus
Paulus 1 ad Cor. IV, 1, ait: Sic nos existimet homo ut ministros Christi et dispensatores mysteriorum Dei. Hic jam quæritur inter dispensatores ut fidelis quis inveniatur.
Hinc idem Apostolus [illegible] [illegible] in Corinthiorum Ecclesia invalescentes circa Eucharistiæ celebrationem addens: „ Cetera cum venero disponam.
Ut vera [illegible] legitima et sancta ineunda connubia. Ecclesia vero in sequentibus [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de Marca in prolegomenis ad libros de concordia Sacerdotii et Imperii, „ [illegible]
„ monii sacramentis [illegible] canones a Conciliis et decreta a Pontificibus Ro-
„ manis tamquam de materia sibi subjecta frequentissime eduntur; et [illegible]
„ proferri potest constitutio veterum principum, quæ hac de re lata fuerit ex
„ mero potestatis sæcularis imperio. Secutas quidem hac in parte leges
„ [illegible] videmus, sed non antecessisse, juxta mentem Justiniani qui [illegible]
„ ait; ipsas leges post canones [illegible] [illegible] [illegible] [illegible]
„ pendisse. Ceterum, eidem non adeo sæcularis cæremoniibus implicatus [illegible]
„ has auctoritatem principum ultra limites a Deo præscriptos porrigentes. [illegible]
[illegible] alia de aliis Sacramentis movetur quæstio, at maxima fervet circa Sacramentum Matrimonii controversia, de qua proinde prout ratio nostra dicit ne [illegible]
[illegible] civilem hic nobis disserendum est.

A. LXX.

Matrimonii Notio

Matrimonium ab eo dicitur [illegible] Catechismus [illegible] [illegible] fœmina

[illegible] debet ut materia [illegible] atque protinus [illegible]

numeris est alius praeterea nominibus Matrimonium [illegible] connubii scilicet,

[illegible]

tum, quod virgines sponsae in pudoris seu subjectionis argumentum [illegible]

[illegible]

[illegible]

[illegible] illa individua vitae societas qua maritus et uxor veluti communi [illegible]

[illegible] se submittunt.

Matrimonium in se spectatum considerari potest vel prout officium naturae [illegible]

[illegible]

[illegible] qui ipsum evexit ad dignitatem Sacramenti eidemque Sacramentalem gratiam

adjunxit. Definiri autem solet ut est officium naturae, viri et mulieris maritalis

[illegible] legitima persona [illegible]

[illegible]

N.° LXXI

Quibus legibus Matrimonium [illegible]

Matrimonium sub triplici ratione considerari potest; 1° scilicet [illegible] [illegible] quatenus amorem, liberorum progenerationem pro fine habet. 2° prout ordinatur [illegible] [illegible] societati perennitati felicitatique consulit. 3° denique prout ordinatur [illegible] [illegible], scilicet carnis concupiscentiæ medelam, Ecclesiam prole piè [illegible] [illegible] vitas, Ecclesiasticas. Quod jampridem observavit S. Thomas l. 4 contra gent. c. [illegible] inquiens: „ Oportet quod hujusmodi generatio propter quam matrimonium
„ institutum est diversis dirigatur. In quantum igitur ordinatur ad bonum [illegible]
„ turæ, quod est perpetuitas speciei, dirigitur in finem à natura inclinante in
„ hunc finem, et sic dicitur esse naturæ officium. In quantum vero ordina-
„ tur ad bonum politicum subjacet ordinationi civilis legis, [illegible]
„ [illegible]
„ siastico; et ideo ex quolibet dictarum legum potest persona effici ad matri-
„ monium illegitima „.

N.° LXXII

Tradita impedimentorum matrimonialium notione

[illegible]

Impedimenti nomine [illegible] subjecta materia [illegible] [illegible] [illegible] [illegible] [illegible] tantum reddat impediens nuncupatur. A nonnullis [illegible] [illegible] hujusmodi denominatio. [illegible] tamen [illegible] [illegible] [illegible], cum illa loquendi ratio vulgaris [illegible], [illegible] [illegible]

[illegible] impedimentis [illegible], [illegible] potestas Ecclesiastica [illegible]

[illegible]

[illegible] cujus argumenti vim perspexit [illegible] Justin. c. 19 „Ubi enim semel manus obtinuere Catholici [illegible] pro Sacramentum conjugalium causarum cognitionem ad se traxerunt [illegible] prophanis judicibus non attulerunt [illegible]

[illegible] arbitrantur! Ex hac enim [illegible] principum legibus in conjugiis [illegible] Matrimonii c. 4. [illegible] impedimenta matrimonii [illegible]

[illegible]

[illegible] matrimonialis Gallicanum quae post civiles motus an. 179[illegible] [illegible] omnino ad formitatem [illegible] licet [illegible] in pluribus emendatus sit, attamen in novo codice conjugum [illegible] additum fuit ad quod proinde ineundum satis erat consensus mutuus coram testibus [illegible]

[illegible] aliam sententiam amplexati pauci numero doctores qui nuper [illegible] [illegible] tribuant [illegible] matrimonium dirimentia; [illegible]

N.us LXXIII

Potest ecclesia constituere impedimenta Matrimonium dirimentia.

[illegible] Protestantes definita. Nam can. III haec habet: „Si quis [illegible] castantum consanguinitatis et affinitatis gradus [illegible] Matrimonium [illegible] Ecclesiam [illegible] anathema sit.” [illegible] quidem [illegible] Ecclesiam non potuisse constituere impedimenta matrimonium dirimentia [illegible] constituendo erasse, anathema sit.

Ejusdem veritatem evincimus 1° ex natura ipsa et fine imperii Ecclesiastici [illegible] communem [illegible] [illegible] Sacri regiminis ratio postulat. Porro nemo [illegible] [illegible] [illegible] quibus existentibus publicum bonum Ecclesiae expostulat non prohiberi solum sed irritos declarari quoddam genus contractus matrimonialis. Quis ergo sanae mentis [illegible] [illegible] contrahentibus apponere conditiones ei legislativae potestati possunt quibus non servatis contractus sint invalidi; cum in contractu matrimoniali ob spirituale bonum [illegible]

[illegible] 2° ex contractus matrimonialis [illegible]

[illegible]

[illegible]

contumelia Creatoris. Ecclesia variis tempore ea potestate usa est, siquidem irrita declaravit conjugia aliquot legibus imperialibus probata, sicut [illegible] probavit nonnulla [illegible] vetabantur. S. Ignatius in ep. ad Polyc. [illegible] „ Decet vero ut sponsi et sponsæ de sententia [illegible] unionem faciant [illegible] nuptiæ sint secundum Dominum et non secundum cupiditatem „. — S. Justinus martyr in Apologia [illegible] Vt [illegible] geras in legibus [illegible] pro christianis tamquam adulterina [illegible] nonnulla [illegible] nubia legibus imperialibus [illegible] [illegible] [illegible] [illegible] [illegible] definitionem [illegible] [illegible] [illegible] part. 2 tit. 13. c. 1. n. 10) [illegible] „ Igitur filum traditionis insecuta Synodus Tridentina recte anathema dixit in eum qui dixerit: Ecclesiam non potuisse constituere impedimenta dirimentia [illegible]

[illegible] LXXIV
Difficultates solvuntur.

[illegible] quam [illegible] [illegible]

[illegible] Ecclesiæ [illegible] Tridentinis Patribus [illegible] [illegible] declarat [illegible] Ecclesiam posse dispensare, posse constituere impedimenta neque in his constituendis [illegible] autem est [illegible] cum agitur de jurisdictione et doctrina Ecclesiæ vocem ad Ecclesiam imperantem [illegible] et hyerarchiam [illegible] prout ipsi [illegible] cum docerent [illegible] [illegible] [illegible] adversus Novatores. 6) Quamvis Tridentini Patres in

Doctrina del Sa

[illegible] in [illegible] qua [illegible] vel [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ethnicorum; multa profecto accidente vel Synagoga [illegible] [illegible] ejusmodi impedimenta constituendi sub infidelibus principibus [illegible] [illegible] est, quomodo [illegible] principibus Christianis? — Accedit quod si Ecclesia precario tantum [illegible] [illegible] consensu [illegible] [illegible] [illegible] hanc insignem in Ecclesiam pietatem laudant; et ulterius adsserunt omnes simul eodemque tempore hoc privilegium Ecclesiae concessisse [illegible] exemplum [illegible] [illegible] ad hæc provocati [illegible] satisfacere non [illegible] nec ulla spes effulget ut aliquam satisfaciant. [illegible] tantum quod permiserint Ecclesiam uti hoc jure [illegible] [illegible] Ulterius, consensus hic tacitus [illegible] [illegible] [illegible] surpasse, quinam autem pietatem huic usurpationi non obstitisse [illegible] [illegible] [illegible] [illegible] [illegible] nominibus? An multi et aperte vel [illegible] et [illegible]? An in una tantum ditione vel in toto orbe Christiano? Et hic quis credat omnes principes fuisse suorum jurium adeo incurios ut hanc usurpationem non adverterint? Adeo desides vel pios ut illi non [illegible] [illegible]? Præsertim cum non pauci eorum fuerint Ecclesiæ infensissimi, eamdemque propriis juribus spoliare sæpe tentaverint. — Hinc accedit quod si ex [illegible] consensu Ecclesia potuisset et posset aliquid circa conjugii impedimenta stat[illegible] debuisset id saltem innui in canonibus Tridentinis [illegible] [illegible] [illegible] Concilii [illegible] quo originarium prima[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quum cultissimi, eorumque [illegible] defensores acerrimi qui [illegible]

[illegible] sed [illegible] suorum [illegible] norum jura viderentur, vel a longe fuissent suspicati a Concilio [illegible] (atqui tamen ex tot legatis et oratoribus nemo unus hiscere est ausus cum [illegible] patribus praefati canones [illegible]. Immo [illegible] nullum declararetur seu irritum [illegible] parentum voluntatem vel [illegible] rogasset Concilium, quod et alii principes praestiterunt [illegible] contrarium declarant et tenendum sub anathemate [illegible] constitui impedimentum dirimens [illegible] adversariorum hypothesi satius fuisset [illegible] igitur est adversariam sententiam [illegible] sed [illegible] potestas adeo [illegible] quando sua matrimonia [illegible]

[illegible]

constituta vel comprobata" declaravit ut Libertatis ac potestatis Ecclesiae subversivam, Tridentino contrariam, ac haeretico suo a[illegible] innato principio profectam

Art. LXXI

Princeps civilis non potest jure proprio et originario impedimenta matrimonium christianorum dirimentia constituere

[illegible] demonstrantes [illegible] civili potestati competere hujusmodi impedimenta [illegible] saltem [illegible] [illegible] natura [illegible] primo loco naturalis contractus est [illegible] contractus qui [illegible] propter [illegible]

[illegible]

[illegible] in hoc maxime falluntur quod contractum et sacramentum in conjugio christianorum [illegible] veluti duas realitates seu duas res ab invicem distinctas ac separabiles ut inde inferant prioritatem [illegible]

[illegible] sacramentum [illegible] confirmamus tam auctoritate Eugenii IV qui in [illegible]

[illegible] loquendo de Matrimonio ut est Sacramentum, sicut [illegible] Causa efficiens matrimonium regulariter loquendo est mutuus consensus per verba de praesenti [illegible] cum auctoritate Concilii Tridentini Sess. 24 docentis Christum [illegible] approbasse conjugium in statu innocentiae institutum, sed praeterea gratiam [illegible] quae naturalem conjugum amorem perficeret, eaque gratia praestare [illegible] veteribus connubiis. [illegible] nihil immutasse Christum in contractu matrimonii [illegible] factum est ut contractus ille [illegible] non erat [illegible]

[illegible]

[illegible] principibus competere. [illegible] circa matrimonium [illegible] acceptant [illegible] videntur ad Ecclesiam [illegible] [illegible] filiorum [illegible]. [illegible] agendi ratio, si adversa [illegible]

[illegible] tum per consequentiarum. 1° Siquidem repugnat [illegible] Deerit si contrarium ab magnaque de eadem re [illegible] matrimonium [illegible] Ecclesia vero eos gravissimi criminis reos [illegible]. Huc accedit [illegible] Et [illegible] ubi [illegible] rationem tenuerit [illegible]

A.[illegible] LXXVI

[illegible]

[illegible]

[illegible] hucusque defendimus [illegible] Ecclesiæ compet[illegible] efficiant; non tamen ii sumus qui velimus ex principum potestate aliquid detrahere, cum probe sciamus nihil ad Reipublicæ conservationem magis pertinere quam [illegible] matrimonium. [illegible] vero [illegible] haec in [illegible]

[illegible] ... provamur ... [illegible] ... proximam ... sacramenti materiam ... [illegible] ... alio contractus civilis ... [illegible] ... extrinseca accidentalis et superveniens ... [illegible] ... Hinc ... [illegible] ... politicae ... [illegible] ... vinculo matrimonii extrinseca sunt ita ut eis non servatis ... [illegible] ... habeatur. Si ergo Ecclesia Sacramentum daret ... [illegible] ... quam inepta sit objectio illa quam movent superius vindicatae doctrinae adversarii ... [illegible] ... principes jura amittere quibus antea circa matrimonium pollebant: siquidem ... [illegible] ... sed tantum super contractum civilem, quod intactum ei ... [illegible]

[illegible] ... potestate ... [illegible] ... tractui civili conditiones apponat. Deus qui auctor est pacis et ordinis utramque potestatem ... [illegible] ... matrimonium si utraque intra fines suos se contineat ... [illegible] ... cives ... [illegible] ... vinculo ... [illegible] ... animo ... [illegible] ... in obedientia Ecclesiae praestanda ... [illegible] ... conscientiam eorum ... [illegible] ... impedimenti ... [illegible] ... dispensatio; quinimo nec ... matrimonia ... [illegible] ... magis ad ... [illegible]

[illegible] dire imperantibus, hinc omnino habent cur in matrimonia invigilent [illegible] contra leges civiles, dummodo hæ divino juri non repugnent, matrimonia a fidelibus contrahantur. Sic junctis manibus ad finem pulcherrimum atque exoptatum rem matrimonii perducent ad utrumque forum licet sub diversa respectu pertinentem.

Art. LVIIXX

Jura Regiminis.

Quænam generatim observanda circa promulgationem Legum Ecclesiasticarum

Cum demonstratum superius a nobis fuit Christum Dominum instruxisse [illegible] complectitur legislativam scilicet, judiciariam et coercitivam. [illegible] ad triplicem hanc potestatem [illegible]

[illegible] Legum Ecclesiasticarum promulgatione, sive de [illegible] per quam lex ad subditorum notitiam perducitur. Qua de re sequentia observanda [illegible] promulgatio necessaria omnino est ut lex suam habeat vim [illegible] — 2° Nullus neque naturali neque ecclesiastico [illegible] promulgationis modus; sed sufficit ea promulgatio quæ necessaria et sufficiens [illegible] ut lex morali et humano modo devenire possit in notitiam subditorum. [illegible] exercet suam vim pro iis tantum actionibus [illegible] cum effectus retroactivi admitti nequeant. Posset tamen [illegible] statim [illegible] alii vero nonnisi post duos menses a facta promulgatione quia lex non obligat nisi ejus notitia moraliter ad omnes [illegible] pervenire possit [illegible] publ. in [illegible]; hoc autem tempus taxandum est arbitrio prudentum, hoc [illegible] solemnem promulgationem ignorantia generatim allegari nequit

[illegible] LXXVIII

De promulgatione constitutionum Pontificiarum

[illegible] ... [illegible] facta, et loci [illegible] officio, et [illegible] debeant in singulis provinciis seu dioecesibus promulgari. Ut huic quaestioni satisfaciamus, casus ab invicem separandi sunt. — 1° primo quidem [illegible] declarat tantum jus antiquum sive naturale sive divinum sive [illegible] promulgatum [illegible] ... quamvis modo receperint. Unde leges dogmaticae declarantes aliquid pertinere ad fidem, damnantes propositiones aut libros continentes errores contra fidem [illegible] ... [illegible] ... ratio est quia non tam sunt leges quam declarationes [illegible] ... [illegible] modo eas [illegible] promulgari [illegible] ... [illegible] promulgatione [illegible] tione si illa contra [illegible] ad promulgationem de solemni definitione [illegible] ... [illegible] est declarata, alter quantum est ex [illegible] ...

— 2° Si Summus Pontifex declaravit velle se legem suam Romae promulgatam obligare ubique ex aliqua urgenti causa, e.g. quia sit promulgationem suae legis apprime Ecclesiae utilem fore et malevolis injustis impedientibus vel quia res non patitur moram etc. conceditur communiter ob [illegible] ...

[illegible]

[illegible] promulgationem in singulis [illegible] hic [illegible] quae adducunt [illegible] nihilominus tandem [illegible] [illegible] formam [illegible] [illegible] in singulis provinciis [illegible] [illegible] promulgatio [illegible] notitiam subditis, quod id nonnisi difficillime et post longissimum tempus obtinebit in vastissimo Ecclesiae imperio ad extremas usque mundi partes extenso, si solum Romae promulgetur; facile autem et intra breve tempus si promulgetur in singulis provinciis; ergo ita velle Pontifices jure praesumitur quando contrarium non [illegible] [illegible] Metropolit[illegible] [illegible] tum ex agendi ratione Conciliorum Oecumenicorum ex quibus Tridentinum [illegible] promulgationem [illegible]

[illegible] qui sufficere putant promulgationem Romae factam his pugnant argumentis — 1. Cum modus promulgationis Pontificiarum Constitutionum nec naturali nec canonico jure praescriptus sit, id ab arbitrio et intentione legislatoris pendet; ipsius ergo mens est investiganda. Jamvero Pontificis mens [illegible] promulgatio [illegible] Pontificis [illegible] [illegible] autem hujusmodi constitutionum dum omnes [illegible] [illegible] vult aliquam legem non [illegible] id exprimit, sicut [illegible] ab Ecclesia imposito [illegible] Lateranensi IV.° adversus medicos qui pergunt ad [illegible] infirmis ante quam illi confessionem expleverint (Cap. Cum infirm. de poen. [illegible]) etiam expressum fuit a Concilio Tridentino (Sess. 24 c. 1) circa invaliditatem matrimoniorum clandestinorum. — 2° Cum Pontifex statuit suas bullas tantum Romae publicari minime verisimile est quod ipse non alias provincias [illegible] obligare intendat [illegible] Papa tantum [illegible] [illegible] statuta per totam Ecclesiam universam, eaque solemniter promulgans [illegible]

canonicis obligatoriis procul dubio presumitur omnes fideles obligare velle statim atque notitia [illegible] [illegible]

3° omnes [illegible] [illegible] procuratores qui ordinarie satagunt [illegible] [illegible] promulgantur certiores fieri. 3° [illegible]

[illegible]

no [illegible] capitulo [illegible] scripsit: "Non esse necessarium cum constitutio

" [illegible]

" auribus per speciale mandatum vel litteras inculcare; sed solum [illegible]

" [illegible]

" [illegible] publice promulgatam."

[illegible]

[illegible] facere ex diversa legum natura, ex rationibus quae promulgationem in pe [illegible]

[illegible]

§ LXXIX

De legum Ecclesiasticarum acceptatione

De legum Ecclesiasticarum acceptatione disserentes hoc praemittimus

quod dubitare non licet. 1° Omnes fideles magis idem bonum velle tenen tur etiamsi ex hoc aliquod temporale damnum in eos redundaret [illegible]

[illegible] omnibus prae

[illegible]

accedens alicui bono materiali obstare quandoque posse ita ut [illegible]

[illegible] in suo complexu perpensis per boni moralis abnegationem [illegible]

tam inopinata majus temporale bonum semper obtinetur [illegible]

[illegible] potestatis est decernere cur namque leges disciplinares majori [illegible]

veniant judicium unicuique [illegible] quod magis [illegible] bonum [illegible]

[illegible] ad potestatem spectat quae Societatem illam regit. Fideles [illegible]

[illegible]

[illegible], deficerent tum officio juridico externo Societatis visibilis [illegible]

[illegible] provocque [illegible] Ecclesiasticis [illegible], tum offi [illegible]

[illegible] Divinam [illegible] incurrerent.

[illegible]

[illegible] legum et ordinationum [illegible] et finis [illegible] ad [illegible] ecclesiasticam potestatem pertineat hujusmodi leges et ordinationes [illegible] omnes optat et vult ecclesia ut hoc majus bonum [illegible] temporali fideli [illegible] ut saltem cum minori damno reipublicae obtineatur [illegible] ut [illegible] Ecclesia a Pontifice lata [illegible] provincias aut dioecesibus utiles atque [illegible] incommodae aut etiam noxiae [illegible] hoc casu [illegible]

[illegible] inprimis loco tenendum est nulla ratione posse [illegible] populo fidelium jus expendendi leges per [illegible] acceptanda [illegible] sibi utiles aut noxias reperierit. Hoc enim admisso legislativa potestas [illegible] arbitrio ipsius subordinata [illegible] cujus consensu penderet et [illegible] non inutilis redderetur. [illegible] pro majori parte suis cupiditatibus [illegible] leges acceptarent sub praetextu damni [illegible].

[illegible] [illegible] expendendi [illegible] an [illegible] suis dioecesibus utiles aut noxiae futurae sint [illegible] utiles acceptare et noxias non admittere. Haec enim sententia [illegible]

[illegible]

[illegible]

A.º LXXX

Quid de jure Placiti Regii

Placitum [illegible]

potestati vindicare conantur [illegible] ex jure majestatico supremæ inspectionis; cum [illegible] jus habeat ea omnia cognoscendi [illegible] fiunt, ejusque bonum quacumque ratione respicere possunt, profecto [illegible] et leges Ecclesiasticas ad eam inspectionem revocare. — Alii ex [illegible] ne quid Respublica detrimenti capiat, cum fieri possit [illegible] aliquid contineant [illegible] tati noceat, eo quod minus [illegible] adjunctis personarum, temporum, locorum, quæ non ita ac potestati civili perspecta esse possunt Ecclesiasticæ potestati. — Alii demum ex jure et munere protectionis [illegible] tum collisiones cum Ecclesiastica potestate vitare, tum legum Ecclesiasticarum [illegible] [illegible]

[illegible] introspiciendi in [illegible] potestatem non habet [illegible] tectionis. ad hoc enim [illegible] tenendum requiritur quidem legum Ecclesiasticarum cognitio, sed ut hæc tota habeatur sufficit solemnis promulgatio. — 3° Quod vero attinet sententiam illorum qui jus Placiti a jure cavendi derivant, observamus, juxta [illegible] [illegible] timeri potest; proinde [illegible] pœnitentiæ, neque ad constitutiones mere dogmaticas in quibus res fidei et morum [illegible]; neque ad illas epistolas circulares quæ nullam novam constituunt ordinationem, sed ad administrationem et applicationem [illegible]; restringi ergo deberet jus placiti tantum ad novas leges dis[illegible] et ad bullas dogmaticas [illegible] mixta objecta forte continerent [illegible] ob timorem ne leges illæ minus convenirent moribus subditorum [illegible]

nequid contineant quod juribus imper[illegible] [illegible] [illegible] prima [illegible] [illegible]
[illegible] [illegible] arch[illegible] sunt optim[illegible] [illegible] moralis condition[illegible] [illegible]
[illegible] quoque fidi consiliarii, ipsisque fas est, ut vidimus ad [illegible]
[illegible] [illegible] abeque [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in solo errore [illegible] natur[illegible] human[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Walter: "Siccome il potere politico sa che lo sco-
[illegible] [illegible] della Chiesa sono secondo il suo principio, diretti esclusi-
vamente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
" [illegible] [illegible] convinzione e per proprio interesse egli si colloca a
" canto alla Chiesa in qualità di protettore; così egli si pone in [illegible]
" ne con se medesimo quando per la sola possibilità di un abuso organiz-
za delle speciali misure di sicurezza contro la Chiesa, come se tali abu-
" si o fossero ad ogni istante occorsi o si dovessero ad ogni istante temere
" [illegible] [illegible] [illegible] [illegible] nei tempi antichi e non è che
" [illegible] [illegible] del [illegible] [illegible] [illegible], il [illegible] [illegible]
" [illegible] [illegible] [illegible] stato circondò sempre più la Chiesa di sos-
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
" [illegible] delle sue istituzioni e così pose la base ad una profonda interna discor-
" dia. Altrimenti nel nudo punto di vista giuridico, può la Chiesa al pari di
" ogni privato lagnarsi di misure preventive prese a suo carico, le quali [illegible]
" [illegible] [illegible] [illegible] [illegible] [illegible]"

Ex his igitur patet Placitum Regium omni destitui juridico funda-
mento. Attamen Ecclesia cum ejus spiritus sit spiritus conciliationis et pa-
[illegible] [illegible] concordatis initis cum Europæ principibus usum placiti sub debitis
[illegible] eisdem concessit. Sed i proinde in usu illius caveant ne ultra [illegible]
tes et fines illud extendant; et semper id præ oculis habeant eum juridicum regimi-
[illegible] [illegible] [illegible] non [illegible], cum [illegible] sit ecclesiastica potes-
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] promulgationem et execu-
tionem [illegible] [illegible] [illegible]

N.^{us} LXXXI^{us}

Causarum Ecclesiasticarum Divisio.

Causæ Ecclesiasticæ vulgo distribui solent in Intrinsecè, Accessoriè et per Accidens Spirituales: alias dubias vocant. Causæ Intrinsecè Spirituales sunt quæ ad fidem, Religionem, Sacramenta, Sacrum ministerium, [illegible] Obligationem [illegible] Accessoriè Spirituales [illegible] [illegible] [illegible] electionis, collationis institutionis in beneficia, jus sepulturæ, jus decimarum etc. — Per Accidens Spirituales dicuntur quæ licet res temporales attingant, nihilominus ratione peccati, vel peccandi periculi, ratione [illegible] miserabilibus personis ab Ecclesia debitæ ad forum Ecclesiasticum pertrahi [illegible]

N.^{us} LXXXII

Generales Observationes

Ut de singulis causarum Ecclesiasticarum commemoratis speciebus [illegible] [illegible] Causæ Intrinsecè spirituales [illegible] foro Ecclesiastico reservantur. Potestas enim eas cognoscendi atque definiendi [illegible] [illegible] hujusmodi causæ nullo nec [illegible] nec [illegible] nec prorogationis aliove titulo ad forum civile trahi possint; sed ibidem [illegible] spirituales et si temporales a spiritualibus separari possint quantum ad temporalia foro politico [illegible] ad spiritualia foro Ecclesiastico [illegible] [illegible] temporalia a spiritualibus [illegible] separari nequeant, [illegible] causa ad forum Ecclesiasticum utique trahenda; eo quod [illegible] dictionis Ecclesiasticæ [illegible] plane [illegible] Notamus autem [illegible] in id genus causarum [illegible] profano [illegible] tales [illegible] separari [illegible] [illegible] potestatis [illegible]

3° Causæ per accidens Spirituales [illegible]

non est (Benedict. XIV de Syn. l. 9. c. 9. n. 8) verum hodie ubique ferme tum contraria consuetudine tum expressis principum legibus foro potestati [illegible] adjudicatæ sunt. Et sane valde inconveniens esse videtur ut Ecclesia eas ultro [illegible]

[illegible] publica invita [illegible] magis ad confundendo [illegible] ad turbandam potius et Ecclesiam et Rempublicam [illegible] pertinere videtur. Ad hæc [illegible] [illegible] aut personas miserabiles mediis sibi propriis juvandi potestas [illegible] nec adimi potest. — 4° In causis dubiis res amice componenda. Equidem cum [illegible] potestas Ecclesiastica sacras, politica vero profanas causas dijudicandi proprium [illegible] [illegible] causas manif[illegible] [illegible] judicare potest alteri. Imo etiam quando cujus sit

[illegible] dum non est, judex [illegible] an jurisdictio sua sit recte cognoscit et [illegible] cognoverit [illegible] potest [illegible] [illegible] [illegible] lentis mediis, sed communi utriusque cognitione, mutua communicatione [illegible] [illegible] alterius concedendum est.

A. LXXXIII

Quid in specie de causis Matrimonialibus

Quia Matrimonium fidelium licet contractus [illegible] [illegible] tibus contrahatur, est tamen a Christo Domino elevatum ad dignitatem [illegible] [illegible] [illegible] speciare regim[illegible] [illegible] [illegible] [illegible] tum episcopo inferiorem posse illas cognoscere, idem Concilii [illegible] [illegible] non obstans [illegible]

vel aliorum inferiorum judicum etiam relinquit [illegible] episcopi tantum examini et jurisdictioni reservantur. [illegible] quod causae matrimoniales [illegible] fori Ecclesiastici, fas est episcopo [illegible] [illegible] [illegible] ad nati [illegible], ad auctorem [illegible] attendere inferiorum [illegible]

[illegible] sunt causarum matrimonialium genera, inquit Benedictus XIV [illegible] [illegible] [illegible] in nullo [illegible] [illegible] fora [illegible], cum dum causa agitur de firmitate foederis conjugalis idem est ac si quaestio de Sacramenti validitate instituatur. Sacramentum enim, ut superius [illegible] [illegible] matrimonialis contractus [illegible] [illegible] [illegible], at sacramentum et matrimonium una ac eadem res est sive matrimonium [illegible] [illegible] [illegible] conjugale sacramentum [illegible] [illegible] [illegible] ad unum [illegible] pertinent [illegible] et [illegible] omnes quae firmitatem conjugalis foederis sive matrimonium spectant, in foro duntaxat Ecclesiastico [illegible]

[illegible] [illegible] [illegible] ad quas institutionis divortium quoad thorum et cohabitationem [illegible] [illegible], inquit laudatus Pontifex l. c. ob illarum respectum [illegible] [illegible] [illegible] quod deducitur ex capite [illegible] litteris de sponsalibus, et ex capite [illegible] de divortiis. Sponsalium causae spirituales sunt ac matrimonium [illegible] obnoxiae [illegible]

[illegible] — [illegible] vero in hisce causis judicandis saepe numero occurrunt [illegible] [illegible] ad mores pertinent, et negligi nulla parte debent. De his [illegible] [illegible] nullo [illegible] [illegible] Protestantes ipsi consueverunt causas de sponsalibus et divortio ad consistoriali [illegible] [illegible] [illegible] valde celebris (Prot. t. 2. [illegible] . 25 . 26). Cum proinde Synodus Pistoriensis prop. 58am statuerit: Sponsalia proprie dicta actum mere civilem [illegible] [illegible] matrimonium celebrandum [illegible] [illegible] civilium legum praecepto subjacere, [illegible] [illegible] [illegible]

[illegible] a Pio VI damnata est uti falsa, juris le[illegible] quoad effectus etiam a sponsalibus [illegible] sanctorum profanum [illegible], legibus, disciplinæ ab Ecclesia statutis derogans.

Aliæ demum sunt causæ quæ connexionem quidem habent cum materia [illegible] potestati temporalis directe et quasi immediate respiciunt [illegible] [illegible] quæstionem alimentorum [illegible]

N.^us LXXXIV
De appellatione ab abusu

[illegible] principatum aut judicem Ecclesiasticum [illegible] in aliquibus [illegible] principem laicum [illegible] appellare (Appellatio ab abusu) [illegible] Quædam ea aliqua dicenda sunt.

[illegible] vero judex Ecclesiasticus sua potestate abuti potest vel [illegible] sub ratione injustitiæ vocatur (Appellatio simplex vel Mera) [illegible] latio ab [illegible] ab abusu [illegible]. Inter utramque appellationem illud interest [illegible] Appellatione princeps cognoscit et judicat an sententia [illegible] In appellatione vero tamquam ab abus[u] [illegible] testes et ipsas litigantes audiunt [illegible] utique etiam in re quæ ad judicium ordinem pertinent potestate [illegible]

[illegible] llationem in qualibet causa spirituali et Ecclesiastica illicitam et nullam esse cum earum rerum cognitio ad solam Ecclesiam [illegible]

[illegible] simplicem et meram appellationem [illegible]

ad curiam regiam in Gallia nunquam admissam fuisse. Joannes [illegible] Gibbert potestati laicæ admodum addictus (Part 1, [illegible] ad jus [illegible] tit 8 [illegible])
„Magistratus, ait, usurparent auctoritatem quæ sibi non competit si appella[illegible] [illegible] non est eorundem [illegible] legibus [illegible] quia in hoc [illegible] agitur de interpretatione canonum [illegible] non competit principi. Legis interpretatio pendet ab eo qui ejus fer[illegible] [illegible] [illegible] appellationem nunquam [illegible]

[illegible]

[illegible] dare. Alterum [illegible] principibus [illegible] [illegible] oppressos defendere. Et idcirco judices [illegible] injuriam inferunt, [illegible] oppressos ad prin[illegible] [illegible] medium similiter [illegible] can 41° causa II°. [illegible] [illegible] Imperatore sic scribit: „Nos si incompetenter [illegible] aliquid egimus et [illegible] justa legis tramitem non conservavimus, [illegible] volumus emendari judicio;

[illegible] ad hunc canonem [illegible] falso [illegible]

[illegible]

[illegible] in canones peccarent, cum ipsi canones [illegible]

[illegible] res in hoc incumbere debent, ut [illegible] inferioribus judicibus jure [illegible]

[illegible] confugiunt [illegible] quod praeclare [illegible]
[illegible]

[illegible] non possit [illegible] superiorem [illegible]
[illegible] si iudex superior aut nolit aut non possit [illegible]
[illegible] nonne licebit magistratui laici praesidium quaerere? Id quidem necessariis defen[illegible] aliquando licebit. Quarum rerum non pauca in historia Ecclesiastica [illegible]
[illegible] reipublicae christianae [illegible]
[illegible] Italiae conquerantur, hoc eis consilium [illegible]

N^us LXXXV^us

De penis Ecclesiasticis

[illegible]

ralibus exercet legitime, non tamen violentam, sed a libera membrorum suorum voluntate [illegible] Penitentiæ publicæ ad priora [illegible]

Quæ ad forum externum pertinent pœnæ vel censuræ [illegible] Ecclesiasticorum continentur, quibus tamen [illegible] in [illegible] pœnitentia adnumeranda est; in [illegible] communione arceatur. Pœnæ hujus generis, minime voluntarie suscipiuntur, sed contra [illegible]

[illegible] tas Ecclesiastica [illegible] contumaces, etiam quoad actus exteriores et communes: idque duplici ex causa; scilicet ut [illegible] honorem injuriæ culpæ commissæ, et ut ab infectionis periculo cæteros fideles [illegible] quadenus hæc separatio ab ipsis exigitur [illegible] obligatorium, cujus tamen executio ab eorum voluntate pendet. Quatenus [illegible] commercium [illegible] præceptum Ecclesiasticum [illegible] aliorum [illegible] devitantes facto ostendunt se non illo non consentire et velle [illegible] [illegible] propagationis [illegible]

[illegible] pœnæ medicinales [illegible] Depositio, Degradatio, Suspensio perpetua, Detrusio ad communionem laicam [illegible]

Verum [illegible] præter recensitas vindicativas pœnas quæ stricte Ecclesiasticæ sunt corporalibus quoque sive temporalibus pœnis possit Ecclesia uti, [illegible]

[illegible] pœnas quas Ecclesia [illegible]
[illegible] bona, item, [illegible]
[illegible] successionum vitam ipsam Ecclesiasticæ potestati
subjiciunt. Nam non esse, ut ipsis videtur, satis Ecclesiæ provisum si ca-
[illegible] potestate puniendi pœna temporali. At nos sequimur omnino judicium
eorum, qui corporalem gladium ab Ecclesia removent, quo vel corpus perimi-
tur aut sanguis funditur. Quod enim Ecclesiæ mansuetudini apprime con-
sentaneum [illegible] Nicolaus Pontifex Albino archiepiscopo (can. inter hæc
cap. 33. q. 2) ita scribit: „ Ecclesia gladium non habet nisi spiritualem: non
occidit sed vivificat „. Unde tritum illud sermone proverbium, „ Ecclesia
[illegible]
[illegible]
„ sacerdotii animæ; rex maculas corporum [illegible]
„ culpas peccatorum: ille cogit; hic exhortatur; ille [illegible]
„ bona voluntate: ille habet arma sensibilia [illegible]
Quapropter si pœnæ spirituales parum proficerent, gravioribusque reme-
diis ad improbos in officio continendos opus esset; Ecclesiæ [illegible]
[illegible]
[illegible]
testatem ullam arrogare non possit. Hæc confirmantur auctoritate Cœlestini III
qui c. 10 de judiciis: „ Si clericus, inquit, in quocumque ordine constitutus
[illegible]
[illegible] Quo [illegible]
[illegible]
„ sciente, anathematis mucrone feriri; postmodum vero, si in profundum
„ malorum veniens contempserit, cum Ecclesia non habeat ultra quid faciat,
„ ne possit esse ultra perditio plurimorum, per sæcularem comprimendus
[illegible]
„ [illegible]

Quæ [illegible] de pœnis illis corporalibus quæ in Ecclesiasticis monu-
[illegible] hujusmodi pœnas quandoque utiles esse noluiss[illegible]
[illegible]

[illegible] proprio [illegible] inflictae. [illegible] potest volentibus [illegible] legum eccl. [illegible] sanctionis tales, dummodo contradictione [illegible] [illegible] [illegible], [illegible] poenitentiae debita hujusmodi legibus obedientia praestetur. [illegible] [illegible] recalcitrantem [illegible] animalem exigens [illegible] [illegible] [illegible] [illegible] cum puero et rudi populo [illegible] [illegible] [illegible] [illegible] Scriptura Prov. XXIII. Noli subtrahere a puero disciplinam: si enim percusseris eum virga non morietur. Tu virga percuties eum et animam ejus de inferno liberabis. Augustinus [illegible] [illegible] monuit [illegible] [illegible] exercitu ad exemplum dominorum qui servos, parentum qui liberos, magistrorum qui discipulos castigant. [illegible] [illegible] [illegible] maxime [illegible] [illegible] [illegible] [illegible] debitam proportionem habeat et apud eum primum dignoscitur oppositionem non a materiali instinctu sed ab intellectu parum edocto vel a voluntate prave disposita provenire. Nec tamen a potestate ecclesiastica directe infligitur [illegible] potest a populo Christiano [illegible] [illegible] [illegible] [illegible] superioribus in subditos [illegible].

Neque [illegible] [illegible] [illegible] confundendae [illegible] [illegible] [illegible] in haereticos vel alios legum ecclesiasticarum violatores a potestate [illegible] inflictae. [illegible] [illegible] quae natura sua politicae [illegible] locum habere quidem possint. [illegible] tamen [illegible] [illegible] mere civiles [illegible], [illegible] tumultus, seditiones, libertatis singulorum [illegible] perturbationes, caedes, aliaque [illegible] [illegible] digna [illegible] praescindendo a causa quae illa producit. [illegible] [illegible] [illegible] [illegible] inflictionem, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] necessarium habeat. [illegible] [illegible] haereticos [illegible] [illegible] ad S. Ludovicum IX [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quaestionis tribunalibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fidem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] saeculi tribunalia dimittebant [illegible] [illegible] [illegible] [illegible] constitutis [illegible] [illegible] [illegible] [illegible] proinde [illegible] [illegible] ecclesiae [illegible] [illegible] poenae. Principes vero laici ideo illas poenas in haereticos statuerunt, quia experientia edocti erant [illegible] fidei vel religionis [illegible] [illegible] [illegible] machinationes non sit [illegible] [illegible] [illegible].

Tandem observandum est contigisse quandoque ut [illegible] [illegible] [illegible]

classe poenarum simul commiscerentur. Plena enim potestate [illegible] illas re-
mittendi [illegible] quae [illegible] Ecclesiam in [illegible] re-
dendi [illegible]; Ecclesia vero filios suos puniret ut [illegible] ad poenitentiam [illegible] cedae-
rentur. Ecclesiastica igitur et civilis potestas in poenarum inflictione simul
concurrebant. [illegible] ad [illegible] modi [illegible] poenas [illegible] posse videntur
nonnullae ex iis quas ipsa Ecclesia [illegible] societate [illegible] infligebat, ut exi-
lium, verbera, mulctae, decaniae vel carceres ecclesiastici, quarum mentio
est in pluribus particularibus conciliis [illegible] quae extra et in corpore [illegible]
[illegible] et in codice Theodosiano, et in [illegible] et in Capitularibus
Caroli magni occurrit.

II

A. LXXXVI

Iura singulis fidelibus communia

[illegible] diximus [illegible] spiritualem potestatem a Christo non [illegible]
[illegible] fidelium [illegible] sed [illegible] communi [illegible] [illegible] [illegible]
[illegible] ergo [illegible] ob leges suas fundamentales specialis hom-
inum status, neque potestas [illegible] [illegible] [illegible]. [illegible] tamen [illegible]
[illegible] neque [illegible] est, neque hereditate obtinetur. [illegible] tamen [illegible]
quod divinitus vocato ad eamdem potestatem accessus. [illegible]
[illegible], hanc a praelatis per accuratum examen, et commu-
nitatis testimonium [illegible] [illegible] [illegible]. [illegible]
[illegible] temporibus [illegible] [illegible] [illegible]
[illegible] [illegible] non [illegible] [illegible] fideles [illegible]
[illegible] [illegible] dicerentur [illegible] nullo [illegible] dicta pote-
state [illegible] non [illegible] [illegible] [illegible] [illegible]
[illegible] membra [illegible] illius magni corporis quod ex omnibus fidelibus
sub invisibili [illegible] capite Christo coalescit, hinc fit ut in [illegible]
[illegible] omnes [illegible] magnum [illegible] [illegible]
[illegible] [illegible] omnes fideles per baptismum [illegible]
[illegible] [illegible] [illegible] sacerdotii digni-
[illegible] [illegible] fide, spe, charitatis, praedicam

internam perceptionem et exaltationem veram in spiritualis habitu immolandi, verum et in inveniunt mediatores sacrificio cooperantur, quod a solis quidem sacerdotibus proprie sic dictis consecratur. Attamen [illegible] mysterii interne Deo offerri dicitur, ut docent quae recitantur in Missa. Quare fit ut in interiori mystica Ecclesiae vita [illegible] exerceant influxum. 2° - Quod vero attinet magisterium doctrinae, spiritualis laicorum vita haud parum in sententiae christianae formam, proindeque in magisterium ipsum influit. Ad hujusmodi effectum unusquisque secundum suam vocationem vel patrisfamilias vel magistri vel scriptoris verbo et exemplo cooperari potest, prout ei [illegible] vires permittunt, atque hanc semper cooperationem Ecclesia in acceptis habuit et laudibus extulit. 3 - Demum laicis magna conceditur pars in omnibus, quae exterioris disciplinae capitibus, [illegible] vero in administratione bonorum ecclesiasticorum, in beneficiorum collatione, ut ex decursu nostrae disciplinae patebit.

Articulus IV

De Juribus Ecclesiae Acquisitis

N.^{us} LXXXVII

Jura Ecclesiae Acquisita

Jura acquisita ea dicuntur, quorum materia ab ipsa natura non habetur, sed derivat a persona vel individuali vel collectiva per aliquam [illegible] acquiritur. Ad jura Ecclesiae acquisita revocamus, temporale dominium, quod Sedes Apostolica fruitur, [illegible] temporalia, et immunitates quae privilegiorum nomine donari solent.

N.^{us} LXXXVIII

Fundamentum Jurium Acquisitorum Ecclesiae

Quaelibet societas licita et justa, ut jam demonstratum fuit, gene-

ra[illegible] n' loquendo ut habet[illegible] requirendo [illegible]

modo et melius [illegible]

[illegible]

[illegible] neque quidquam [illegible] ecclesiastica [illegible]

[illegible]

LXXXIX

De temporali Pontificiæ Sedis dominio – Conspectus dicendorum

[illegible]

XC

Temporale Romanorum Pontificum dominium spirituali ipsorum potestati apprime convenit

1. [illegible] potestas [illegible] vicarius, totius [illegible] constituta est [illegible]

plenam obtinet potestatem [illegible] regendi et gubernandi Univ[illegible] [illegible]

[illegible]

[illegible]

[illegible] paret si ac [illegible] [illegible] commun[illegible] [illegible]

[illegible] forma [illegible] [illegible] placeat [illegible] sunt regna et particulares Status qui propriae incolumitatis et prosperitatis sollicit[illegible], caute omnino caveant ne quis eorum praeponderantem influxum [illegible] esse possit. Jam vero nemo ignorat maximum [illegible] Romanorum Pontificum apud catholicos populos influxum [illegible] alicui principi [illegible] subditus esset [illegible] principes [illegible] [illegible] tenuerunt ne principes ille Pontificis organo [illegible] ad suam [illegible] [illegible] potentiae [illegible] libere [illegible] exercitio [illegible] Pontificiae potestatis [illegible] decreta [illegible] penderent tamquam [illegible] inspiratione dictata, [illegible] quantas conscientiarum perturbationes excitaret [illegible] [illegible] [illegible] schismatibus [illegible] nemo non videt.

2. [illegible] placet auctori [illegible] [illegible] debent [illegible] hoc habet [illegible]

" [illegible] principe [illegible] stato [illegible]
" di loro, [illegible] che gli altri avessero difficoltà a riconoscerlo pel
" padre comune, anche [illegible] frequenti [illegible] ben si può [illegible]
" [illegible] della [illegible] [illegible]
" dentro [illegible] signore d'uno Stato abbastanza potente per non essere [illegible]
" [illegible] [illegible] perchè egli fosse [illegible]
" [illegible] del potere [illegible] [illegible]
" [illegible]
" [illegible] la [illegible] [illegible]
" [illegible] che conservava l'unità della fede [illegible]
" Cattolica [illegible] [illegible] fa [illegible] questo

capo d'essere Sovrano straniero. Egli è straniero di fatto e di ciò bisogna rendere grazia al cielo. Il Papa è fuori di Parigi; buona cosa: egli non è nè a Madrid nè a Vienna e perciò noi tolleriamo la sua autorità spirituale. A Vienna [illegible] dire altrettanto. Credesi [illegible] che se egli fosse a Parigi, i Viennesi, gli Spagnuoli [illegible] durebbero a ricevere le sue decisioni? Deve riuscire adunque cosa gradita ad ognuno d'essi che egli risieda al di fuori di loro, e che avendo sede al di fuori di loro non risegga punto presso rivali. Devono essi compiacersi che egli dimori in codesta vecchia Roma lontano dalla mano degli Imperatori di Germania lontano da quella dei re di Francia o dei re di Spagna, librando la bilancia tra i Sovrani Cattolici piegando [illegible] più forte [illegible] tosto [illegible] rettore. Sono i secoli che operato tali cose e ciò avventuratamente. Quanto al governo delle anime è la migliore e la più benefica [illegible] si possa immaginare. Queste cose io sostengo non già per [illegible] [illegible] Catholicae fatum praegustans, ita scribebat ad virum [illegible] [illegible] è nostro, e la scena è finita. Tutte le potentati di Europa non [illegible] conoscerà un Vicario di G. C. soggetto ad un altro sovrano si creeranno un patriarca ciascuno nel [illegible] [illegible] una Religione come una tinta a parte". Quo circa sane mirandum non est si praestantissimi Pontifices numquam interrupta serie [illegible] [illegible] una ob maxima rerum adjuncta necessarium ad liberum potestatis spiritualis [illegible] Catholicae [illegible] dominium invaderet vel evenciet [illegible] [illegible] doctores eminentissimi [illegible]

[illegible] appropugnent: siquidem hac nostra ætate Catholici principes arma [illegible] ad restituendum [illegible] Pium IX quem impii factiosi et ingratissimi homines sede sua exturbaverant.

N.^{us} XCI
Objectiones

Adversus hucusque dicta plura objiciunt Temporalis [illegible] impugnatores. Et primum ad nauseam usque repetunt notum [illegible] sententiam Joan. 28. 36. Regnum meum non est de hoc mundo, nec animadvertentes telum in ipsos retorqueri. Nam eo ipso quod regnum Christi non est de hoc mundo [illegible] [illegible] in hoc mundo [illegible]. Quod enim regnum Christi [illegible] Ecclesia ad [illegible] Christi [illegible] apparuit, [illegible] promde [illegible] de hoc mundo sed e cœlo suam habet originem. E cœlo descendit fides quæ Ecclesiam informat, e cœlo charitas quæ illam vivificat, e cœlo potestas quæ illam regit. Semper ergo [illegible] subsistere et apparere et [illegible] ut [illegible] debet Ecclesia. Jam vero [illegible] Ecclesiam ut subsistat appareat [illegible] [illegible] et non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] impedimenta vel limites ponere possit [illegible] Temporale ac independens habeat dominium. Anima [illegible] e cœlo venit a Deo immediate [illegible] [illegible] illud organum [illegible] indiget [illegible] peragendis.

[illegible] [illegible] [illegible] [illegible] Christus [illegible] Temporale [illegible] dominio [illegible] [illegible]

[illegible] [illegible] Ecclesiæ [illegible] potestas

Respondemus 1.º [illegible] terreni culmina imperii [illegible] [illegible] odium et persecutionem [illegible]

[illegible]

Quæ attingit a fine usque ad finem et [illegible] omnia [illegible]

[illegible] demonstrat [illegible] supremo [illegible] Providentiæ consilium [illegible]

[illegible] tempora sæcula [illegible]

N.^ro^ IXCI

Titulus Possessionis ita legitimus est ut alius magis legitimus excogitari nequeat

[illegible] In Europa [illegible] non v'ha veramente più giusizia [illegible] di quella dei Sommi Pontefici [illegible] fondata in semetipsa [illegible]

[illegible]

[illegible] Securitatem adhuc persecutionum [illegible]

[illegible] lectoris pace; permoventur [illegible]

[illegible] Constantino vincit illustrissimus De-Sauton [illegible]

[illegible]

[illegible]

A. IXCII

[illegible]

[illegible]

[illegible] quam depositarius et custos magisterii et doctor eruditus nepotes muneri fungitur. Regimen civilis potestas Romanorum Pontificum [illegible] ipse donatur, paternitas ipsius spiritualis quidem est, at haec ipso praestantior [illegible] totius gregis pastor, ipse est universalis magister et promulgator illius legis, quae mutabilis temporum locorum et personarum adjunctis non mutatur, sed una est et [illegible] loco, quovis tempore conjungit. Amor ipsius [illegible] dit qui et suos dilectos oves [illegible] concredidit et [illegible] regimen ipsius [illegible] paternum, et populi jam antea filii ad eum venerandum [illegible] respiciendo [illegible] Inde [illegible] regimen, melius quam aliud quodcumque [illegible] [illegible] autem nomina eum donavit qui [illegible] habet et eidem regimen terrenum conformare [illegible] non hereditaria [illegible] constituitur qui sapientia [illegible] interpres est populorum omnium magister, qui nulla familiae cura praepeditus [illegible] totus in bonum subditorum incumbat. — Denique regimen Pontificium [illegible] publica [illegible] perto videant se non simplici homini sed Christi vicario subjici, et cum essentialiter pacificum sit locum etiam dat, salvo semper auctoritatis principio, legitimis illi municipiorum et provinciarum [illegible] [illegible] [illegible] [illegible]

Habent quidem plures adversum Pontificium regimen querelas, quod [illegible] [illegible] Pontificiorum et reperimus 5509 pro diversis muneribus politicis administra[illegible]

[illegible] officiales laicos, 109. tandem officiales ecclesiasticos. Ubinam reperitur Status Catholicum qui aliquos clericos ad publica officia non admittat? Verum [illegible] est, quosdam, pauca tamen numero, præcipua officia nonnisi ecclesiasticis [illegible] ex [illegible] regiminis natura cujus caput est Summus Pontifex, sed tam levis jactura nonne compensatur tot privilegiis quibus hi fruuntur et hanc sane rationem rei Status Ecclesiasticus est? Præterea hujusmodi ecclesiastica norma ipsius status familiis maxima ex parte assumuntur, [illegible] que ingenii et dexteritatis ratione, [illegible] infimæ conditionis homines [illegible] honorum gradus atque ad ipsam Pontificiam Sedem ascendere? – Sed in [illegible] omnino [illegible] siasticus, corpus non castam constituit. Audiatur Guizot qui hæc habet præclara [illegible] Egli ci ha una parola che si è sovente adoperata in parlando del clero [illegible] Casta. [illegible] Casta. [illegible] non è questa [illegible] del mondo prendete tutti i paesi nei quali il regime delle caste si è prodotto, nell'India in Egitto: voi vi vedrete da per tutto la casta essenzialmente ereditaria: si è la transmissione della medesima situazione del medesimo potere [illegible] non si può applicare la nomenclatura di [illegible] impedito che il [illegible] [illegible] inde observans proprietates [illegible] proprietatibus sunt [illegible] sunt [illegible] immobili [illegible] non solamente [illegible] si è [illegible] ma la Chiesa ha costantemente [illegible] che fosse la loro origine a tutte le sue cariche a tutte le sue dignità... [illegible] essere una Società che ha costantemente in tale [illegible] storica varia e progressiva. Nium dubio [illegible] la eguale ammissione [illegible] principio di eguaglianza [illegible] implicito a mantenere [illegible] il movimento [illegible] e promuovere il trionfo della [illegible]

[illegible] una [illegible] impegno [illegible] fece stendere [illegible] no al patrimonio [illegible] Pietro [illegible]
[illegible] le pretensioni gli [illegible]
[illegible] stabilison [illegible]
[illegible]
[illegible]

A. XCIV

De bonis ecclesiæ temporalibus

Quænam inter finem Ecclesiæ et temporalia bona relatio

[illegible] non modo non excludit sed imma exigit [illegible] [illegible]
[illegible]
[illegible] et quin eam [illegible] omnibus [illegible]
[illegible]
[illegible] sint [illegible] ministri [illegible]
[illegible] clerici in litteris et doctrina [illegible]
[illegible] quæ [illegible] fieri non possunt [illegible]
[illegible] stabilia et fructifera [illegible] comparandi acquirendi et vendendi [illegible] necessaria sint ea in promptu habeat. [illegible] Constantinum [illegible] Sancti Ecclesiæ [illegible] et patres non dubitarunt [illegible] et [illegible] nomine [illegible] Ecclesiæ recipere et possidere. Apostolus [illegible] magnum [illegible] vestra metamus? [illegible] Ita et Dominus [illegible]

Evangelium annunciant de Evangelio vivere

[illegible]

[illegible] clero sustentationem et [illegible] su-[illegible] Presbyteri clero sive omnino exigentur, quapropter clerus in titulum proprium ac peculiarem habet suo ministerio ecclesiastico qualitati inhaerentem ut cujus fidelium communitas quam ipse spiritualiter dirigit necessaria ei subsidia temporalia subministrare juridice teneatur. Et contra ex talis Apostoli verbis neque obstant Christi verba Matth. X „Nolite possidere aurum neque argentum neque pecuniam in zonis vestris." Nam ut habet Augustinus de consensu Evangelistarum (l. 2, [illegible]) „ostendit [illegible] haec possideri [illegible] noluerit, non quod necessaria non sint sustentationi hujus vitae, sed quia sic eos mittebat ut eis haec deberi demonstraret ab iis ipsis quibus evangelium credentibus annuntiarent tamquam stipendia militantibus." Reliqua vero bona ex superfluentia sive clerici neque absolute exiguntur neque omnino respuuntur; tantum hac clero injungitur obligatio ut ea in causis piis impendantur: sic autem expensa hujusmodi bona [illegible] mirabiliter adjuvant finem ob quam a Christo clerus institutus fuit scilicet fidelium sanctificationem. Quapropter licet clerus quoad haec bona [illegible] non habeat, nemo tamen ipsi libertatem juridicam adimere potest, eidem quibus ceteri homines ac civilis societatis, justis titulis acquirendi, vel acquisita bona administrandi [illegible] disponendi, manente tamen clero obligatione ut ejusmodi bona in causis piis [illegible] charitatis exercitium impendat.

A.lus XCV

Bona temporalia ad pios usus a Catholicis de Anglia essentialiter a bonis nationalibus distinguuntur.

[illegible] proud ex clericis simul et laicis coalescit seu prout fidelium communitas est societas quae illimitate possidere potest attamen justo titulo; patet ex demonstratis [illegible] etiamnum [illegible]

[illegible] christianum et ceteri fideles plerique olim tum veterum christianorum exemplo ducti [illegible], nulla [illegible] temporalibus commodis [illegible] sollicitudine, profusiore in Ecclesiam liberalitate [illegible] sunt et [illegible], bonis tum mobilibus tum immobilibus Ecclesias [illegible], quae postea data in primis per Constantinum Ecclesiae pace magnam acceptionem habuere et deinceps ex donatione [illegible] principum per introductas decimas et primitias [illegible] Ecclesiae feuda, dominia et regalia [illegible] tum cleri et clericorum donationes tum inter vivos tum mortis causa in Ecclesias collata, ex fundatione, dotatione ecclesiarum aut monasteriorum ex propriis [illegible] Ecclesias aut monasteria ingredientium bonis factas, [illegible] [illegible] [illegible] [illegible] ingen[illegible] [illegible]. Unde varia sunt bona ecclesiastica, mobilia, immobilia [illegible] [illegible] [illegible] feudalia etc. Porro [illegible] bona [illegible] Ecclesiae [illegible] omnes eorum dominium et proprietatem, in feudalibus autem dominium aut utile aut directum [illegible] perpetuum abdicarunt, et per bona speciali ratione voluerunt esse Deo sacrata [illegible] aut saltem eorum usibus perpetuo judicata et obstricta. [illegible] ex formulis, [illegible] jam [illegible] magno numero Marculphus, Sirmondus, Bignonius, Lindenbrogius, Mabillonius, Baluzius aliique selegerunt. Neque quominus id facere possent leges ullae obstabant, quin imo Constantinus M. et alii deinceps Christiani [illegible] hanc facultatem subditis suis expresse tribuerunt. Quapropter [illegible] [illegible] Ecclesia [illegible] corpora ecclesiastica bonorum possidendorum capacia [illegible] [illegible] jus suum in ecclesiam et collegia ecclesiastica transferre [illegible] nulla reipublicae lege prohibiti id potuerint; [illegible] Ecclesiae [illegible] [illegible] sibi [illegible] acceptarunt [illegible] suis [illegible] [illegible] prelati ad normam [illegible] canonum [illegible] de rebus suis disponere consueverunt ea debitis cum solemnitatibus modo locando [illegible] modo commutando, aut ob utilitatem Ecclesiae alienando; [illegible] [illegible] [illegible] communitatis fidelium, Ecclesiae. Ratio vel nunquam [illegible]

Religionem profitentium [illegible] ab eo cui pie donatio facta fuit [illegible] ad varias Religiosas communitates pertinere. Ecclesia igitur diversa est a natione, [illegible] [illegible] [illegible] cum sint duæ personæ juridicæ valde distinctæ. Quare cum in Galliis [illegible] die 24 Novembris anni 1789 bona Ecclesiastica declarata fuerint [illegible] [illegible] [illegible] [illegible] in libro Gallico edito sub titulo [illegible] [illegible] ecclesiastica hæc habentur: Bona Ecclesiastica ut cætera omnia ad eos pertinent ad quos donatores pertinere voluerint. Liberi erant ut alium de his usum legitimum facerent sed reipsa [illegible] sub legum [illegible] [illegible] illa non nationi [illegible]

N.° XCVI.

Nequit princeps civilis bonorum Ecclesiasticorum proprietatem sibi vindicare aut illa auferre vel in alios usus transferre

Ex demonstratis constat bonorum Ecclesiasticorum proprietatem [illegible]

[illegible]

[illegible] Ecclesiasticis [illegible]

[illegible] Reipublicæ [illegible]

[illegible]

[illegible] [illegible] Dei [illegible]

[illegible]

[illegible]

[illegible]

[illegible] XCVII

[illegible] ... [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Più delle [illegible] prevalse l'impegno nel diseredare ed inceppare la Chiesa rendendola prima povera e poi schiava [illegible]. Istruttissima [illegible] ha la Storia d'Inghilterra

(Davanzati. Più particolareggiate e positive sono le lettere di [illegible] sulla Riforma. Arrigo VIII faceva imprigionare i poveri che l'usurpazione dei beni ecclesiastici aveva gettati laridi ed affamati per le piazze. [illegible] prigioni dei poveri la Chiesa [illegible] eravano avanti le case della carità; ma a breve andare non bastarono le antiche e le nuove carceri a racchiudere la miseria crescente. A queste furono surrogate le verghe [illegible] mancava il pane ed il lavoro in pena del mostrarsi in publico [illegible] col [illegible] [illegible] Intanto [illegible] beni della Chiesa e dei poveri [illegible] col prezzo quei beni erano passati nelle mani dei grandi signori e ingrossavano le arche dei capitalisti.

[illegible] la principalmente [illegible] scandalosa concentrazione per cui vedi nella Inghilterra [illegible] dall'altra la più [illegible] povertà e la più brutale miseria che [illegible] a forma di bestie; forse i tre quarti della [illegible] scandalo di un clero [illegible] il protestante che [illegible]

[illegible] Cattolico a cui non restano che le [illegible] della [illegible] della Cattolica [illegible] il moderno Abele sacrifica [illegible]

[illegible] nell' 89 [illegible]

[illegible]

[illegible] la colpa dell'assoluti[illegible] [illegible] un tale e [illegible]

[illegible]

„ [illegible] [illegible] che lo Stato spogliasse coi [illegible] le famiglie per
„ darvi poscia una briciola di pane quotidiano? Dessi opprimere le [illegible]
„ non direbbe esso come vogliono i Socialisti ed i Comunisti, l'unico
„ proprietario delle terre, poi delle officine, poi delle [illegible] e [illegible]
„ delle [illegible] che darebbe a ciascun cittadino la sua porzione di lavoro
„ [illegible] intelligenza [illegible] [illegible] [illegible] [illegible] il sistema
„ che applicato alla Chiesa, il sistema che abolisce la proprietà [illegible]
„ [illegible] in [illegible] pensioni annuali; estendetelo alle communità ed alle
„ famiglie [illegible] [illegible] [illegible] [illegible] [illegible] in un [illegible] [illegible]
„ [illegible] all'ammenti [illegible] [illegible] [illegible] [illegible]
„ Dunque l'abolizione della proprietà Ecclesiastica distrugge in un
„ tempo l'opera sacra [illegible] di tanti secoli, sottrae i mezzi di educazio-
„ ne, di moralità e di sussistenza alle plebi; precipita i popoli al paupe-
„ rismo, alla disperazione e alla rivolta, e spinta sino alle ultime con-
„ seguenze, incorporando nello Stato tutte le proprietà, farebbe [illegible]
„ più che un Sultano il padrone e il tiranno assoluto dell'umanità.

A.° XCVIII.°
Lex Amortizationis

[illegible] Amortizationis [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] sine speciali suo consensu deportare subditos prohi-
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] bonorum aut successioni hereditariae [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
homines singuli. [illegible] demonstratur. [illegible] homines singuli [illegible]
[illegible] prohiberi possunt quin nova bona acquirant sibi ob [illegible]
[illegible] [illegible]. Ergo nec Ecclesia in ulteriori bonorum acquisitione impedi-
[illegible] [illegible] quod vel dicere nefas est, inferius nobis [illegible].

[illegible] legis Amortizationis patroni ad jus cavendi pro salute [illegible]
[illegible] [illegible] civilis potest [illegible] [illegible] [illegible] [illegible] publicam fundare

[illegible]aguntur. Cum enim bona ecclesiastica sint inalienabilia, proindeque civili commercio subtrahantur, si nimis excrescant timendum est ne dici [illegible] grave sentiant detrimentum.

At perperam. Nam 1° numquam ecclesiastica bona ne illisque [illegible] liberum erat bona sua ecclesiis relinquere, [illegible] immo etiam principes immobilibus bonis ecclesiam locupletabant, adeo ex [illegible] quod Imperatores ipsi Justinianus, Carolus M. Ludovicus pius, aliique civili [illegible] 2° [illegible] ob aucta ecclesiastica bona cives nonnullos aliquando damnum sentire [illegible] maxime probant tot subsidiorum genera quibus per ecclesiastica bona civium indigentiae provisum fuit. Igitur ob jus cavendi poterit princeps in [illegible] administratores admonere, atque permovendo ecclesiasticae potestati denuntiare [illegible] in civilem Rempublicam [illegible] rationes [illegible] Conciliorum canonibus cautum sit, ne bona ecclesiastica alienentur; non tamen [illegible]. Nam ipsis canonicis sanctionibus [illegible] habere possit dummodo [illegible] [illegible]

[illegible] can. [illegible] 461 eas tantum damnat alienationes quae factae [illegible] in bono ecclesiastico in personarum [illegible] [illegible] commemorat [illegible] magni momenti [illegible] [illegible] partes [illegible] [illegible] argumenta [illegible] [illegible]

quadam Ammonia testamento Ecclesiæ legatum nepoti ipsius [illegible] [illegible] quod debuit decerni [illegible] est.

Ex his igitur patet Amortizationis legem ex jure Canonico minime proficere nec ullo ratione posse justificari. Quare mirandum non est [illegible] legis [illegible] Pontifices semper reclamaverint.

(1)

A XCIX

De Immunitatibus.

Immunitas Personalis

[illegible]

Personalis, Realis, Localis. [illegible] sub nomine immunit [illegible]

[illegible]

[illegible] anathematis [illegible] [illegible] absolvit [illegible]

Privilegium [illegible] quod sistit in exemptione a civilibus [illegible] quæ statui Ecclesiastico minime conveniunt, e. g. exemplo a mu[illegible]

Privilegium Competentiæ [illegible]

[illegible] Privilegium fori [illegible]

[illegible]

Et 1º quidem probe tenendum est clericos non esse exempti [illegible]

[illegible] clericali [illegible] clerici [illegible] sunt etiam [illegible]

[illegible]

[illegible]

parare. Quare patet clericos non posse civiles leges minime [illegible]

[illegible]

[illegible]

decretalium [illegible]

[illegible]

[illegible] manus suis [illegible]

[illegible]

[illegible]

[illegible] Quare [illegible] in [illegible]

[illegible] missu [illegible]

[illegible] in plerisque

[illegible] magna ex parte remisit [illegible] satisfaciens; [illegible]

[illegible] illud a [illegible]

[illegible] Status Ecclesiastici [illegible]

Nº C

Immunitas [illegible]

Immunitas [illegible]

[illegible]

[illegible] Ex historia [illegible] jam ab anti[illegible]

[illegible]

[illegible] referimus [illegible]

[illegible]

[illegible] prima lex in justitia posita est. [illegible]

[illegible]

[illegible] ignorare, sicut opifices, [illegible] principes. [illegible]

[illegible] extraordinarius [illegible]

[illegible]

[illegible] sunt [illegible]

[illegible] Domini [illegible]

[illegible] publicae protectionis pro [illegible]

[illegible]

Aw̃ CI

Immunitas Locali

[illegible]

[illegible] immunitatis [illegible] [illegible]

sacerdotes tuti sint neque hinc [illegible] [illegible]

[illegible]

non raro reis ad ecclesiam confugientibus atque alias etiam capite damnatis [illegible]

[illegible] gratiam [illegible] [illegible] publice peragenda [illegible]

[illegible]

[illegible] processus in causis criminalibus [illegible]

[illegible] peccarent. Quod idem asili jus deinceps imperatorum regumque Franco[rum] legibus atque Conciliorum [illegible] confirmatum, sed et pro rerum adjunctis variis modis est circumscriptum.

[illegible] ad loca quod attinet, jure asili insignitæ fuerunt omnes Ec[cle]siæ [illegible] non consecratæ, earumque portícus et atria, quin in decreto Gra[tia]ni [illegible] Asili traducitur ad passus quadraginta extra Ecclesiam cathedralem [illegible] solemniter facta Ecclesia ædificanda est; itemque oratoria episcopi [illegible] constituta in [illegible] divinis addicta, non autem oratoria quæ [illegible] privata [illegible] usum [illegible] res divina [illegible] nihilominus [illegible]

[illegible] turris campanaria quæ intra pas[sus] triginta ab ecclesia distat, [illegible] coemeterium, domus regularium [illegible]

[illegible] ad personas ad asilum confugientes, [illegible]

[illegible]

[illegible] ad [illegible]

[illegible]

cerie nomine sese in alienos domos inferunt [illegible] atque ibi [illegible]
[illegible] aut trucidant aut membra cedunt.

Hoc privilegium Sacrosanctis Ecclesiis, tum ob earum reverentiam, tum ob spiritualem eorum salutem a piissimis imperatoribus firmatum [illegible] Sanctissimis Ecclesiae praesulibus defensum, [illegible] iuris [illegible] [illegible] ulla [illegible] molestate [illegible] non [illegible]. [illegible] eorum autem aut [illegible], servata semper [illegible] ob [illegible] ob temporum adjuncta haec praecipua ratio suadet [illegible] [illegible] publicae severitate et processu criminali in ordinem [illegible] [illegible] [illegible] lum iniquae oppressionis periculum. Hoc privilegium apud nos ob [illegible]

A CII

Sanctio Jurium Acquisitorum Ecclesiae

Ecclesia pro juribus suis acquisitis proprietatibus scilicet, jurisdictioni [illegible] dominiis eamdem habet sanctionem quam [illegible]
[illegible]
[illegible] nalia civilia non existerent vel debilitant justitiam [illegible] [illegible] tum [illegible]
[illegible]
[illegible] ex principiis rationalis juris [illegible]
[illegible] Ecclesia [illegible]
[illegible] illud [illegible] consilium [illegible]
[illegible] tantum temporibus quibus [illegible]
[illegible]
[illegible] Hoc non ad [illegible] sed ad [illegible]
[illegible] juribus distincti jus habent
[illegible]
[illegible] immunitatem [illegible]
[illegible] sunt [illegible] [illegible]

FINIS TRACTATUI DE ECCLESIA

PARS ALTERA

DE

ROMANI PONTIFICIS

PRIMATU

IN

UNIVERSAM ECCLESIAM

[illegible]

[illegible]

[illegible]

[illegible]

DE
ROMANI PONTIFICIS
IN
UNIVERSAM ECCLESIAM
PRIMATU.

N.° 1

Doctrinæ de Primatu Romani Pontificis Momentum et Divisio

Momentum Doctrinæ de Primatu Romani Pontificis apparet [illegible] multitudine et contentione [illegible]

[illegible] hæretici cum in aliis fere dogmatibus [illegible] quandoque nobis dissentiant in hoc tamen omnes conveniunt, ut [illegible] summaque animi contentione Romani Pontificis [illegible] fuerunt unquam hostes Christi atque Ecclesiæ qui simul eum [illegible] non impetierint. Non una tamen ratione; quidam enim [illegible]

[illegible]

[illegible]

Caput I^um

De Pontificii Primatus Institutione et Origine

A. II

Primatus Petri Impugnatores.

Capitis Divisio

Primatus nomine signif [illegible]

[illegible] ... habet. H. in omni ... [illegible] ... cum primatus ... [illegible] ... ipsum ... [illegible] ... necessario ... actionem ... [illegible]

... a in vicibus regibus ... [illegible]

[illegible]

[illegible] nulla vel admodum tenu [illegible]

[illegible]

tum, [illegible] usque tantum [illegible]

[illegible] vel infuscati sunt [illegible]

[illegible]

[illegible]

Articulus 1us

De Primatu Petri

§ 1

Christus Beato Petro Primatum in Universam Ecclesiam contulit non honoris tantum sed plenae Auctoritatis et Jurisdictionis

Primum argumentum ex verbis Christi apud Matth. c. XVI [illegible]

[illegible] Christus Filius Dei Vivi", respondit [illegible] super hanc petram ædificabo Ecclesiam meam et portæ Inferi [illegible] et tibi dabo claves regni Cælorum. Et [illegible] quodcumque [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Gupes, [illegible] et Betra, [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Atque haec ratione [illegible] fundamentum Apostolorum [illegible]
Petrus effecit, [illegible] [illegible]
[illegible] Tertio modo [illegible]
nationis. Omnes enim [illegible]
[illegible] nisi modo quod Petrus [illegible] communionemque [illegible]
[illegible] Apostoli sui legati, Petrus autem [illegible] ordinarius [illegible]
[illegible] plenitudinem potestatis [illegible] tamen [illegible]
[illegible] pendent, non [illegible] Atque hoc [illegible]
[illegible]
[illegible] Romanus [illegible]
[illegible] super Petrum [illegible] Ecclesiam
[illegible] Licet super omnes Apostolos ex aequo [illegible]
[illegible] tamen [illegible] caput, [illegible] capite constituto [illegible]
[illegible]

[illegible] ad id quod [illegible] Christi verba apud Matthaeum ad Petrum [illegible] Petrus [illegible] Petra [illegible] quam Christus promisit [illegible] aedificaturum [illegible]
[illegible]
[illegible]
[illegible] tum in Universa [illegible] honoris tantum sed [illegible]
[illegible] Jurisdictionis

[illegible] II

Secundum Argumentum ex verbis Christi apud Joannem XXI

[illegible] ex verbis Matthaei XVI quibus [illegible] potestas [illegible] quae legimus Joannis XXI quibus [illegible] illa potestas [illegible] Petro [illegible] fuit. [illegible] verba: „Cum ergo prandissent, dicit Simoni Petro Jesus: Simon Joannis, diligis me plus his? Dicit ei: Etiam Domine, tu scis quia amo te [illegible]

"Pasce agnos meos. Dicit ei iterum: Simon Joannis diligis me? Ait: Etiam
"Domine, tu scis quia amo te. Dicit ei: Pasce agnos meos. Dicit ei tertio
"Simon Joannis, amas me? Contristatus est Petrus quia dixit ei tertio amas
me? Et dixit ei: Domine: tu omnia nosti; tu scis quia amo te. Dicit
"Pasce oves meas". Quibus verbis Christus non [illegible]

[illegible] ut [illegible] gregem suum plane universum videtur pascendum commisit [illegible] cuilibet qui ex agnorum et ovium collatione conducit. Cujus argumenta [illegible] plane perspicue tria nobis commendanda sunt. Primum [illegible] dicta esse; deinde [illegible] summam [illegible] [illegible]

Ad primum quidem, soli Petro dicitur "Pasce agnos meos ... Pasce oves meas". Probatur 1°, ex illo nomine Simon Joannis, quo solus Pe[trus] [illegible] quo illum Christus appellaverat, cum promisit ei claves Matth. xvi [illegible] intelligamus illud ipsum nunc dari quod fuerat ante prom[issum] [illegible] (et intelligamus nunc dari quod fuerat ante promissum)
2° Illi dicitur Pasce etc., cui dicitur "Diligis me plus his". Hoc autem [illegible] manifestum est cum [illegible] verbis excluduntur ceteri illi [illegible] plus his. [illegible] Apostoli sunt, ut patet ex contextu. 3° Illi dicitur [illegible] mandata [illegible] personam [illegible]. Soli igitur hoc sermo [illegible] ad Petrum dirigitur, eoque magis tenendum est, quod a Christo [illegible] Apostolos [illegible] fuisset, non Pasce, sed Pascite, numero plurali dixisset [illegible]

[illegible] Pasce agnos .. Pa[sce oves] meas [illegible] Pasce [illegible] sunt enim qui post Lutherum contendunt per illam vocem nullam [illegible] potestatem, sed tantum [illegible] officium [illegible] praedicandi docendi [illegible] Pascere non est [illegible] ministrare quod etiam [illegible] fieri posset. Verum nobis difficile non erit [illegible] Pasce [illegible] summam potestatem illi tribui [illegible] dicitur. Primum enim proprie dicitur Pascere [illegible] qui [illegible] quod [illegible]

[illegible] „Quis putas [illegible] Luc. XII° est fidelis dispensator et prudens quem „ constituit Dominus super familiam suam ut det illis in tempore tritici mensuram „ Itaque ille est pascere qui est super familiam constitutus. Deinde [illegible] „ Pasce intelligitur ex communi usu loquentium omnis actio pastoralis; idem enim est pascere quod agere pastorem sive officium pastoris. Porro actio pastoralis non est tantum praebere cibum sed etiam ducere, reducere, tueri, praeesse, regere, castigare.

[illegible]

[illegible]

[illegible] ut [illegible] Regere enim et pascere, in Hebraeo [illegible] [illegible] qui pascuntur in virga ferrea [illegible]

[illegible]

[illegible]

[illegible] efficacius [illegible]

verbo quod Joannes secundo loco posuit. Significat enim ποιμαίνειν [illegible] regendo et praeeundo. Nam Homerus lib. II Iliadis frequenter vocat regem Agamemnonem ποιμένα λαῶν, id est pastorem populorum, et in Scriptura, ubi legimus Matthaei II° „ Ex te enim exiet dux qui regat populum meum Israel „ in Graeco est ποιμανεῖ. Et notandum, in hebraeo apud Michaeam c. V unde Matthaeus accepit, sic verbum (Mascat) [illegible] quod non pascere sed dominari significat. Igitur cum ποιμαίνειν non significet pascere quocumque modo, sed regere et praeesse significet, et Petro dictum sit a Domino ποιμαίνε τὰ πρόβατα [illegible]

[illegible]

[illegible] restat quaestio num per Agnos meos et Oves meas intelligatur [illegible]

[illegible] quaerit. — Observat autem Cardinalis Bellarminus (De R. P. I. I c. 15) [illegible] Pasce agnos meos [illegible] Pasce oves meas [illegible] textu semel est Pasce agnos (ἀρνία). Alias Pasce oves (πρόβατα), tamen acceptius videtur locus illorum librariorum qui in secundo loco scripserunt προβάτια, nam scribendum debuisset προβάτια id est oviculas, seu agnos. [illegible] autem fuit [illegible] Joh. [illegible] colligi potest ex Ambrosio [illegible] Maximo [illegible]

[illegible] Agnos [illegible] fuerit [illegible]

[illegible] spiritali.

His notatis, ex hac varietate quae mysterio non videtur carere, probabiliter [illegible] Christi [illegible] [illegible]

Agnos diceret (Agnos bis repetitos esse) ad significandos duos populos Judaeorum [illegible] Gentilium: Oves autem semel nominatas significare Apostolos et Episcopos qui sunt velut teste[illegible] matres Agnorum. Si vero per Oviculas intelligimus oves parvas majores agnis, minores perfectis ovibus, dicendum erit [illegible] [illegible] [illegible] [illegible] id est incipientes proficientes et perfectos ita ut nulli sint in Ecclesia quam[illegible] [illegible] spirituales, eruditi, et sancti qui Petro non subsint. Vel per agnos intelligemus populos qui nullam habent curam pastoralem quique solum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Oves [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] resumit est tamen [illegible] [illegible] [illegible] [illegible] videtur [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] oves [illegible] [illegible] [illegible] [illegible] [illegible] oves manifestum [illegible] [illegible] commendare [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ovem esse non glorietur igitur omnes omnino Christianos nullo excepto Petro Dominus commendavit.

[illegible] [illegible] dicit ait „Pasce agnos meos, Pasce oves meas„ [illegible] [illegible] [illegible] Christi [illegible] [illegible] [illegible] unum ovile et unus pastor„; igitur universum gregem suum Petro Christus commisit.

[illegible] [illegible] [illegible] [illegible] [illegible] nomine collegit Bellarminus l. c. Nos unius Leonis M. verba damus qui serm. III. de assumpt. sua: „De toto mundo unus Petrus eligitur qui et universarum gentium vocationi et omnibus Apostolis cunctisque Ecclesiae patribus praeponatur; ut quamvis in populo Dei multi sacerdotes sint multique pastores omnes tamen proprie regat Petrus quos principaliter regit et Christus.

Neque nos movere debent quorundam Sanctorum Patrum dicta qui affirmant [illegible] Apostolis gregem pascendum a Christo accepisse [illegible] tunc repraesentasse Apostolicum collegium; non unum Petrum [illegible] [illegible] fuit [illegible] ministrata hujusque doctrina, Petrum scilicet supremum esse et universorum pastorem [illegible] [illegible] [illegible] gregem pascendum acceperit ex hoc [illegible] se nec voluisse per se solum [illegible] [illegible] partem suam [illegible] [illegible] [illegible] [illegible] esse [illegible] Pasce oves meas [illegible] [illegible] laverit; et illud repraesentabat ut caput quod singulis membris suarum [illegible] exercitium assignat, ut sap[illegible] [illegible] [illegible] [illegible] potestatem pascere acceperint ad regendam partem [illegible] [illegible] [illegible] non fuerit [illegible] [illegible] illum pascendum pastoribus indiget unum omnibus praeposuit [illegible] [illegible] [illegible] : „Sunt quidem et alii coeli janitores et gre„gum pastores [illegible] [illegible] differentius et singulariter„ris nomen hereditatis; habent illi sibi assignatos greges, singuli singulos; tibi „universi crediti, uni unus: nec modo ovium sed et pastorum tu unus omnium „pastor„

Art. I

Reliqua biblica argumenta breviter indicantur.

[illegible] Primatus quidem quem hactenus ex verbis Christi Matth. XVI et Joannis XXI° eduximus aliis quoque Biblicis argumentis confirmatur [illegible] propositi ipso Christi quod fuit Ecclesiam conficere ad normam [illegible] Syna-

[illegible] cam contra altiùs magis ac magis extensis. Jam verò Synagoga vetus constituebatur ex Summo [illegible] [illegible] [illegible] [illegible] summum [illegible] [illegible] ac si quibusdam favet, favet potiùs Protestantibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nam [illegible] pertinere: ex quo infert [illegible] [illegible] [illegible] Romanorum Pontificum apicem et auctoritatem quâ pollet [illegible] in doctores ipsos [illegible] [illegible] Christi [illegible] essentiali Ecclesiæ constitutione [illegible] [illegible] Gallia [illegible] [illegible] [illegible]

2° Ex variis prærogativis quibus Scriptura nobis exhibet Petrum [illegible] prorsus [illegible] ratione præ cæteris distinctum et [illegible] [illegible] [illegible] [illegible] etiam passim describitur [illegible] [illegible] [illegible] [illegible] [illegible] Ex hac ipse deducit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] exarasit. [illegible] principem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ... Petri [illegible] [illegible]

3° [illegible] [illegible] [illegible] Petri [illegible]. Præcipuis [illegible] Ecclesiæ negotiis ab alio provisum non fuit nisi a Petro, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] induxit (Actor. 5) In quem locum Chrysostomus „Quam inquit agnoscit Petrus „creditum sibi a Christo gregem! Quam in hoc choro princeps est!„ Et addit „In „non [illegible] ipsi Petro [illegible]! [illegible] et quidem maxime, [illegible] non fuit [illegible] „[illegible] gratificari„ Postea Petrus [illegible] [illegible] Christus [illegible] ficavit (Actor. 11) ac tum ipsos tum gentiles admisit (Actor 13 15) Ipse [illegible] per Simonem magum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] potestatem exercuit in Ananiam et Saphiram [illegible] [illegible] [illegible] [illegible] [illegible] primatu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Hierosolymam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Jacobus Apostolus et omnes simul presbyteri transierint. Petrus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pauli [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Ne forte [illegible] in vacuum curreret aut cucurrisset (Ad Gal. 2) Quid porro hæc omnia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] Christus et ea demonstratis abunde liquet, Ecclesiam suam [illegible] acephalum constituerit; fatemur necesse est [illegible] [illegible] [illegible] [illegible] [illegible] principem cui societatem [illegible] [illegible] suam [illegible] [illegible] in cœlum abeuntis personam in his terris gereret, [illegible] [illegible] nisi Petrum esse deprehendimus

[illegible] igitur verba spectemus quibus Christus Petro promissionem [illegible] fecit in præmium confessionis Divinitatis suæ apud [illegible]

[illegible]

[illegible] ... et naturam suam ... [illegible]

[illegible]

[illegible]

Exponuntur quaedam Scripturae loca quae adversari Petri Primatum videntur

[illegible]

[illegible] Christus Petri Primatum, haud certe subinde ... inter Apostolos [illegible]

[illegible]

[illegible] promissione Principatus Petro facta; contra vero Christus respondit "Qui-cumque voluerit inter vos major fieri, sit vester minister". — (Respondemus ...

[illegible]

... tamen suspicatos esse Petrum fore constituendum [illegible] ... inter se contendebant. Neque mirum est eos non intellexisse ... Dominus locutus est, illi autem adeo rudes erant ... non intelligerent, ut constat ex Matth. ... Quod ... suspicionem quam habebant de Petri Primatu inter se contendebant ... Hieronymus in caput Matth. ... Christus ... ambitionis ... convellere eos adhortatus est ...

... Sui ipsius exemplo qui licet foret omnium magister et Dominus ... suggessit ... omnium minister. Ex quo intelligimus ... responsione voluisse excludere dignitatem ... [illegible]

ambitum et dominationis [illegible] Luc. XXII 26 ubi etiam Dominus respondit jam eum designatum principem. Quid enim sibi volunt illa Christi verba: Qui major est in vobis fiat sicut junior et qui praecessor est (ἡγούμενος – Dux) sicut ministrator? [illegible] ducem [illegible] appellavit!

[illegible] 2° Actor. [illegible] Petrum et Joannem [illegible] mariam, [illegible]

[illegible]

[illegible] quoniam ad munus [illegible]

[illegible] (Josue 22°) [illegible] filii Ruben [illegible]

[illegible] fideles miserunt Paulum et Barnabam ad consulendum [illegible] num gentiles qui Christo crederent circumcidi deberent (Actor. 15) et sic cum Samaritani in summo versarentur discrimine ob Simonis Magi praestigias missi sunt Samariam praecipui inter Apostolos ad detegenda Simonis [illegible]

[illegible] 3° Paulum restitisse Petro in faciem quia reprehensibilis erat (ad [illegible]) quod sane non fecisset si Petrus fuisset omnium Primas. [illegible] communi sententia quod Cephas nomine hoc in loco venit [illegible] Petro diversus [illegible] contra [illegible]

[illegible] tamen id restitit [illegible]

[illegible]

juxta communem [illegible]

[illegible]

[illegible] Primatum [illegible] et [illegible] potestate [illegible] posteris opponere. Et Augustinus Ep. 19 ad Hieronymum sic ait: „Rarius est sanctius exemplum Petrus posteris præbuit quo non dedignarentur [illegible] [illegible] Paulus quo confidenter auderent minores majoribus pro defendenda veritate salva charitate resistere„.

N° XII

Petri Primatus ex traditione confirmatur

[illegible] Petri Primatum confirmandum ex duplici fonte haurire possumus, ex scriptis scilicet Sanctorum Patrum et ex liturgiis omnium [illegible].

Et quidem quod attinet Patrum traditio qua Petri Primatus adstruitur [illegible] ex [illegible] tantum [illegible] sed plane [illegible] ex constanti [illegible] universali [illegible]. [illegible] Patribus [illegible] omnes qui Christi verba Matthæi 16 [illegible] Petri persona [illegible] et exinde ejus super universam Ecclesiam [illegible]: sunt porro [illegible] fatentibus, quot [illegible] [illegible] numero. — 2° [illegible] quot [illegible] Christi [illegible] Super hanc Petram [illegible] Petrum [illegible] a quo [illegible] numerum [illegible]: tales [illegible] fatentibus sunt numero 42°. — 3 [illegible] quotquot [illegible] bilate ad constituendam [illegible] [illegible] supra quod [illegible] ad [illegible] [illegible] Pacianus &c. 4° [illegible] quotquot Christi verba Joannis XXI [illegible] Petro collata auctoritate in universos Apostolos et [illegible] qui 16 [illegible] ad minus [illegible] Orientales [illegible] in epist ad Symmachum Papam — 5 [illegible] Patres [illegible] [illegible]

[illegible] tales sunt qui Petrum [illegible] Apostol[illegible] [illegible] [illegible]
cum, [illegible], Primum mundi præsidem, Apostolatus primatum, Petram Ecclesiæ
Petram infrangibilem, fundamentum [illegible], aliisque [illegible]
[illegible]
[illegible] per Romanos Pontifices successores suos lo[illegible]
[illegible] docuerunt. hujusmodi [illegible]
[illegible] III. — [illegible]
[illegible] Romanam Ecclesiam [illegible] omnium Ecclesiarum maxi-
[illegible]
[illegible] autem [illegible]
datoris et episcopi, et pastoris [illegible]
[illegible]
[illegible] divino in totam Ecclesiam.

[illegible] Christianam [illegible]
[illegible] majorem acceptam [illegible]
[illegible] Lutheranis cæterisque Protestantibus qui [illegible]
antiquos ritus cæremoniasque [illegible] conventibus [illegible]
[illegible] Christianæ [illegible]
bara est tamquam ab institutis ac moribus Romanorum [illegible]
ius Ecclesiasticis libris ac monumentis non fiat mentio principatus excellentisque
[illegible]
[illegible] Occidentalium Ecclesiarum monumenta et libros; [illegible]
[illegible]
[illegible] Mediolanensis, veteri [illegible] Gothicum Gallicanum, et Sacramenta-
[illegible]
[illegible] Missale quod Mozarabum appellatur; verum etiam Ecclesiarum Orien-
talium, ut sunt Euchologium, Anthologium [illegible]
[illegible]
[illegible] cæterorumque [illegible]
[illegible]
[illegible] parent, ipsorumque etiam Æthiopum [illegible]
[illegible] ab Ecclesiæ Romanæ disciplina, consuetudinibus multisque Religionis [illegible]

[illegible] diceptant. Quid? Quod Petri Primatum Ecclesiæ Reces. Testimonio [illegible] [illegible] in hoc hymno canendo consentit: — "O Sancte Petre Apostolorum princeps [illegible] Primas Apostolus! Petra fidei inamovibilis, confessionis primo [illegible] Ecclesiæ [illegible] fundamentum, Pastor gregis loquentis, [illegible] Clavigeri, [illegible] inter omnes Apostolos [illegible] [illegible] insuperabilis orthodoxæ fidei columna, Collegii Apostolorum caput, — et addit: [illegible] qui primus episcopus Romæ; honore et gloria maximæ urbis [illegible] [illegible]

[illegible]

[illegible] quare quod eorumquisque ab priscis moderatoribus suis didicerat, Ecclesiis ipsam codicibus inscripsisse, confitendum est. Porro moderatores illi [illegible] [illegible] Christo Servatore traditum acceperunt. Illud primum [illegible] [illegible] Hæc ergo est doctrina de Petri Primatu ab Apostolis acceperunt [illegible] [illegible]

Art. VIII

De comparatione Pauli cum Petro

[illegible] qui ad infirmandum Petri Primatum Pauli dignitatem [illegible] [illegible] mantes, tum ex verbis Pauli ipsius qui se nemini (Apostolorum) inferiorem esse [illegible] (ad Gal. c. 2. v. 11), qui propterea et Evangelium ante numerare [illegible] vidisset Petrum; tum ex præcipuis titulis quibus a Patribus condecoratur [illegible] [illegible]

ad [illegible], Petrus ad [illegible] videtur; tum demum ex facto [illegible] Pontificum qui Petri et Pauli auctoritate se suffultos asserunt [illegible] magni ducerent.

Verum hæc quæ ab adversariis opponuntur hujusmodi certe non sunt, quæ Paulum parem cum Petro in auctoritate constituant. Quod enim se nonnisi Apostolorum inferiorem esse declaraverit, id de Apostolatu ut se ex primoribus [illegible] significaret, non de auctoritate regendi administrandique [illegible] [illegible] potest. Cum autem inquit sibi traditum esse Evangelium præputii [illegible] et Petro circumcisionis, voluit significare specialem gratiam et vocationem [illegible] fuisse Petro ad conversionem Judæorum [illegible] Apostolum minime prætulisse [illegible] Petrus omnium primus [illegible] [illegible] Paulus vero constanter prius prædicavit [illegible] synagogis [illegible] convertisset ad gentes (Act. 13, 14). Porro quod Paulus [illegible] [illegible] potest. Quod enim Christi voluntate [illegible] non fuit [illegible] restitutio [illegible]

[illegible] propagatorem Evangelii doctoremque gentium constitutum esse? Quis [illegible]

[illegible] aut currere aut cucurrisse [illegible]

[illegible] appellaretur [illegible] Apostolorum ducem, Apostolorum ma[illegible] [illegible], Apostolorum supremum [illegible] Principem aut Protocoryphæum [illegible] [illegible] in Apostolatus exaltatione [illegible] [illegible] Apostolorum et Ecclesiæ caput agnoverunt et professi sunt [illegible] insuper animadvertit [illegible] Petro [illegible]

[illegible]

[illegible] alter doctrinæ [illegible] laborum susceptorum ratione [illegible]

[illegible]

[illegible]

[illegible] veteribus monumentis ad [illegible]

[illegible] dextera [illegible]

generaldico - Alterum [illegible]

mediam infimamque [illegible] In primis [illegible]

[illegible] multas aspiciant quasi [illegible]

[illegible]

[illegible]

[illegible] quarum manet [illegible]

[illegible] ad rem non pertinent. Nam [illegible]

[illegible] mysterium [illegible]

[illegible] mirabile videri non debet plerosque [illegible]

[illegible]

[illegible] atque in bullis ipsis Romanorum [illegible]

[illegible] ex facto ipsi Romanorum [illegible]

[illegible]

[illegible] Romani Pontifices se appellare [illegible]

[illegible] Ecclesiam [illegible]

[illegible]

[illegible] Ecclesiae Romanae [illegible]

[illegible]

[illegible] quibus omnibus apparet [illegible]

[illegible]

manet Petri Primatus in omnes [illegible]

[illegible]

[illegible]

[illegible] Apostoli [illegible]

[illegible]

[illegible] Christianos usurpatum, in qua [illegible] Pappi [illegible] clavium tractat[illegible] [illegible] verba faciens orat[illegible] exprimens, quod [illegible] superius [illegible] ipsum confirmatur ex vitreo fragmento [illegible] uterque Apostolus sedens exhibetur in nobili [illegible] in aliis etiam alter ab altero discriminatur. Nam [illegible] loquens [illegible] episcopi populo [illegible] precandis [illegible] Petri [illegible] Paulum [illegible]

[illegible] excerptam, asserentem: „Sanctus Petrus et Sanctus Paulus sunt duo [illegible] capita unum caput constituentes„. Innocentius X[illegible] [illegible] an 1047 [illegible] aequalit[illegible] [illegible] Paulum [illegible] subordinationem [illegible] subjectione [illegible] [illegible]

§ IX

Quibus modis Apostoli Petri Primatum agnoscere debebant.

[illegible] pluribus donis [illegible] nobilitati [illegible]

[illegible] capite [illegible] communioni [illegible]

[illegible] Apostolorum [illegible] officio [illegible] Petro [illegible]

[illegible]

[illegible]

[illegible] quam nullus ejus potuit [illegible]
[illegible] communionem discederet [illegible]
[illegible]
[illegible] ut caput communitas universalis Ecclesiae [illegible]
[illegible] a Paulo in quaestiones de ritum [illegible]

Art. X

Petrus Jurisdictionis Primatum in Universam Ecclesiam immediate a Christo non autem ab ipsa Ecclesia accepit

[illegible] omnium primus [illegible] Catholicorum Ecclesiam [illegible]
[illegible]
[illegible] Ecclesia auctoritatem excommunicandi habet [illegible] Pastores [illegible]
[illegible]

[illegible]

[illegible] ad Christ.. Tu es petra [illegible]

[illegible] Pasce agnos meos pasce oves meas [illegible]

[illegible]

[illegible] Et portæ inferi non prævalebunt [illegible]

[illegible] non prosecutus est sermonem suum in hunc modum: „Et illi, ecclesiæ dabo claves? [illegible] ad Petrum sermonem dirigens dixit „Et tibi dabo claves [illegible]

[illegible] Primatum [illegible]

[illegible]

[illegible] Christus voluerit conferre ecclesiæ [illegible]

[illegible] voluerit [illegible] Ecclesiæ [illegible]

[illegible] nomini [illegible] et Petro omnibus successoribus privilegiis [illegible]

[illegible]

[illegible] suum, [illegible]

[illegible]

Unitas Catholicitas, Infallibilitas et omnimoda auctoritas [illegible] Primatu Petri [illegible]

[illegible]

[illegible] Memo[illegible]

... qui hic Dominum Petro ... [illegible]
Quo venturus est qui sitit? ... An ad Ecclesiam qu[ae] ... [illegible]

[illegible]

... immediatus Christi vicarius. ... Summum Pontificem ... [illegible]

[illegible] ... Nec tamen ... primus est immediatus Vicarius Christi

A. XI.

Difficultates ... [illegible]

[illegible] ... Ecclesiae nomina ... [illegible]

[illegible]

Articulus II^us.

De Primatu Romani Pontificis

N^us XII^us

Romanum Pontificem Petri Primatum in sedem et in Ecclesiam universam jure divino obtinere [illegible].

Primum argumentum ex jure successionis.

Constitutis iis quæ ad Petri Primatum explicandum et defendendum [illegible]

[illegible]

[illegible]

[illegible]

[illegible]. In eo impugnando acatholici omnes unanimes sunt et fuere quidam agmine: Græci, Protestantes, Russi, Angliani, nervos omnes in id contenderunt quo eum everterent. Nos autem sic primum ejus veritatem evincimus arg[illegible]

[illegible]

[illegible] in Ecclesiam perpetuo duraturam: debuit igitur hic Primatus [illegible]

Christi dispositione [illegible] jure divino in Petri successore permanere. [illegible]

is Petri successor non alius [illegible] Romanum Pontificem est [illegible]

[illegible]

Primatus jure divino [illegible] admittantur consequentia [illegible]

[illegible]

N^us XIII^us

Primatus Petro collatus ex Christi institutione debuit in Ecclesia esse perpetuus.

[illegible] Christi institutione [illegible]

[illegible]

[illegible]
[illegible]
[illegible] Christum omnia [illegible] propter vos [illegible]
[illegible] omnus propter vos est [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Lectione et superbiam [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] Unus dicit esse Primus [illegible]

[illegible] collectum [illegible]

N° XIV

Petrus Romam venit atque hujus urbis episcopatum instituit [illegible]

[illegible]

[illegible] idea factum hoc veluti basis et fundamentum [illegible]

[illegible] post Waldenses, Marsilium Paduanum nonnullosque alios fanaticos, [illegible]

[illegible]

[illegible] Sacra Biblia non modo huic facto non adversari [illegible] Pontif. Primatus asserere, sed potius eidem quam maxime favere; [illegible]

[illegible] 1° Silentium [illegible] Apostolorum [illegible] in ea urbe scribit aut scribit ad Romanos, 2° Chronologiam [illegible] Acta Apostolica ac Pauli Epistolis. 3° Epistolas quas Petrus [illegible] mortem ex Babylone Assyriorum urbe, ut ipsi putant con[illegible]

[illegible]

dicit Petro [illegible]

[illegible]

meditum desiderium Romanos invisendi ut aliquid ipsis gratiae spiritualis impertiret [illegible] nunc autem in concesserat. Paulus profectus in eas tantum terras proficiscens [illegible] in quibus alii Apostoli nondum praedicassent, ne ut ipse loquitur [illegible]

[illegible]

[illegible] silentio abunde substituuntur documentis historicis luculentissimis [illegible] nus. Ridiculum sane prorsus esset aut negare aut in dubium vocare existentiam ac gesta sive Neronis sive Domitiani aut Nervae [illegible] de bibliis de illis nunquam condi[illegible]. [illegible] adversariorum [illegible] de Petro [illegible]. Non

[illegible]

[illegible] non [illegible] Petri gesta [illegible] et [illegible] sed [illegible]

[illegible]

[illegible] ad [illegible] Pauli [illegible]

[illegible]

[illegible]

... ergo eam funduit ... [illegible]

[illegible]
[illegible]
[illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] quod est in Babylone [illegible]
[illegible]
[illegible]
[illegible] argumentis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

XI

Romanus Pontifex [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Secundum argumentum ex Traditione.

Quod succesque vicimus argumento ex jure succes [illegible] firmatur ex universali et perpetua Ecclesiæ fide [illegible] in Romana Pontifice [illegible] Petri [illegible] professa est. [illegible]

[illegible] Patrum sententiis. [illegible] Ignatius Antiochenus [illegible]

[illegible]

[illegible] presidens [illegible] caput est omnium aliarum [illegible] Ecclesiæ dignitatem [illegible] Irenæus [illegible] in Asia Minore a Joanne Evangelista fundatæ discipulus et pastor [illegible] Maximam [illegible]

[illegible] antiquissimam, [illegible] temporis, [illegible] principalitatem [illegible] gloriosissimis duobus Apostolis Petro [illegible] [illegible] vero Apostolica [illegible]

[illegible] Ad hanc enim Ecclesiam propter potentiorem [illegible] ab his qui sunt undique conservata est ea quæ [illegible] Irenæus [illegible]

[illegible]

[illegible] fideles [illegible]

[illegible] adducit 1° Primatum [illegible] verba illa Propter potentiorem principalitatem

[illegible] in partem [illegible] in plenitudinem [illegible] aliorum potestas certis arctatur limitibus tua extenditur [illegible]

[illegible]

[illegible]

ita loquitur de Gregorio Magno: „Cum primum in toto terrarum [illegible] [illegible] gentem [illegible] idolis mancipatam Christi fecit Ecclesiam; [illegible]

[illegible]

[illegible] Papae illum appellat, „Dominum et patrem universae Ecclesiae [illegible]

[illegible] Providentia vestram elegit [illegible]

[illegible] fidem Christianam custodiendam et ecclesiam suam [illegible] dam committeret.“ — At autem ad [illegible] nos convertamus audiamus [illegible] Ubi Petrus [illegible]

[illegible] (l. 1 de pen. c. 7) „Non habent Petri haereditatem qui Petri cathedram non habent quam impia divisione [illegible] [illegible] Hieronymum (Ep. ad Dam. Donum [illegible]) „Ego nullum primum nisi Christum sequens Beatitudini tuae id est cathedrae Petri communione consocior. Super illam Petram aedificatam Ecclesiam scio. Quicumque extra hanc Ecclesiam Dominum agnum comederit profanus est. Si quis in Arca Noe non fuerit peribit regnante diluvio.“

[illegible] ambitione et fastu ducti et inflati, sed [illegible] gravissimi [illegible] [illegible] atque de salute Ecclesiae et animarum sollicitudine, de quibus rationem reddituri erant Divino judici, supremam potestatem qua insigniti erant [illegible]

[illegible] Paschatis celebrationem [illegible]

[illegible] consuetudinem [illegible]

[illegible] Cornelius Novatianum, Dionysius Paulum Samosathenum damnarunt. Suprema [illegible]

[illegible] Christianam [illegible] Ipsi [illegible]

[illegible]

[illegible] ... vivere [illegible] pura [illegible]

[illegible]; [illegible] Primatum in Pontificibus agnoscant [illegible]

[illegible]

[illegible] etiam nimium [illegible] suorum [illegible]

[illegible] omnes [illegible] diversa [illegible]

[illegible]

N. XVII

Refelluntur illi qui Romani Pontificis Primatum ex adjunctis externis repetendum esse dicunt, ac [illegible] Imperii [illegible] [illegible]ibus

[illegible] Primatum iure [illegible] [illegible] impugnaverunt [illegible] Schismatici et [illegible] non [illegible] accedit [illegible]

[illegible] Romanae praeeminentiam [illegible] [illegible] adjuncta [illegible]

[illegible] quod vel ab [illegible] Ecclesia [illegible] numero [illegible] Apostolica [illegible] Petro et Paulo fundata [illegible] Sedes Petri nuncupari [illegible] (l. 3. c. 3) semper conservata est ea quae est ab Apostolis [illegible]

[illegible]

[illegible] suam habere originem ex Christi ordinatione [illegible]

[illegible]

Romam potius quam urbem aliam quamcumque elegerit in sedem [illegible] partim vero fuerunt effectus seu ab ipso facto electionis Divinæ quidem Providentiæ consilio factum est ut urbs illa quæ centrum erat et caput universum [illegible] [illegible] [illegible] [illegible] imperaret [illegible] [illegible] patrati. Deinde [illegible] [illegible] [illegible] metropolis gentium Roma, in nova Religione [illegible] [illegible] ad quod gentes divina gratia vocatæ sunt principium et caput. Semel [illegible] Religionis Christianæ metropoli constituta in Romana urbe consequens plane erat ut vitam ibi suam Religio peculiarem [illegible] exerceret [illegible] energiam [illegible] [illegible] [illegible] Christiani numerus dictis et charitas sedis Apostolicæ [illegible] Petri sedis nuncupatio; fidem [illegible] [illegible] [illegible] [illegible] commendant.

[illegible] 1° [illegible] Christianorum imperatorum [illegible] [illegible] Valentiniani et [illegible] quibus Romani Pontificis [illegible] [illegible] concesserunt prærogativas et privilegia. — Non quidem [illegible] [illegible] [illegible] imperatorum [illegible] [illegible] [illegible] [illegible] [illegible] nam priusquam [illegible] [illegible] non habet [illegible] [illegible] [illegible] [illegible] imperatores [illegible] [illegible] [illegible] [illegible] dignitas post martyrium S. Petri Primatus dignitas S. Lino [illegible] [illegible] [illegible] Primatus dignitati, quomodo super universas Ecclesias [illegible] [illegible] minime [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vero nonnulli qui se Catholicos adhuc vocant non erubescunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Concilio Constantiensi; „ Papalis dignitas a Cæsare initium traxit et Papa profecto a Cæsaris potentia emanavit „. Quapropter dico laudatos imperatores [illegible] [illegible] [illegible] [illegible] dedisse quod dare poterant; exemptiones scilicet et privilegia [illegible]

qui egerunt post eum regimen, ut liberiores [illegible] in admini-
stratione [illegible] Romani [illegible] [illegible]
[illegible] Vocella 3° [illegible], et in Sedis Apostolicae Primatum
[illegible] qui princeps est episcopatus [illegible] et Romanae dignitatis [illegible]
[illegible] Synodi (Nicaenae) [illegible] auctoritas.

[illegible] Ecclesiae [illegible] in magna Italiae parte jurisdictionem [illegible] confirmat
[illegible] canonem [illegible] c. 6: „Antiqua consuetudo serve-
tur per Aegyptum, Libyam, Pentapolim, ita ut Alexandrinus episcopus horum
omnium habeat potestatem, quia et urbis Romae episcopo parilis mos est. Si-
militer autem et apud Antiochiam caeterasque provincias sua privilegia ser-
ventur Ecclesiis [illegible] confirmant [illegible]
[illegible] concessa antiquae Romae quod urbs illa imperaret, [illegible]
[illegible] Throno [illegible] privilegia tribuerunt.

[illegible] observamus 1° [illegible] canonem
[illegible] potestas ejus non
[illegible]
[illegible] aliarum Ecclesiarum. 2° Certum est Paschasinum S. Sedis legatum
[illegible] Chalcedonense [illegible]
[illegible]: „Ecclesia Romana semper habuit Primatum [illegible]
[illegible] quoniam et Romano episcopo hic est consuetudo.” [illegible]
[illegible]
[illegible] argumentum. 3° Verba illa „Quoniam Romano
episcopo hic est consuetudo” continere videntur ut Episcopus Alexan-
[illegible] Aegypti, Lybiae et Pentapolis, nulla autem [illegible]
[illegible] provinciarum
[illegible] suburbicariarum
[illegible] Occidentis [illegible]
[illegible]
[illegible] sed tantum [illegible] Quoniam tales Romano episcopo est consuetudo.
[illegible]
[illegible] illas provincias quas Romanus

Episcopus ita censuit, id est, quia Romanus Episcopus ante omnem Concilii [illegible] definitionem [illegible] Alexandrinae regimen [illegible] [illegible] [illegible] Alexandrinum [illegible] illas [illegible] vincias gubernare 4° [illegible] [illegible] [illegible] [illegible] [illegible] Romani [illegible] Pontifici [illegible] non [illegible] [illegible] post [illegible] [illegible] Magni Concilii [illegible] [illegible] [illegible] Rependimus omnem [illegible] [illegible] [illegible] „ dum canones antiquae Romae [illegible] amantissimo nostro archiepiscopo conservari [illegible] [illegible] [illegible] post haec [illegible] omnia [illegible] „ [illegible] [illegible] extendit in summam, idest „ contra tuam quoque Apostolicam sanctitatem „; ubi [illegible] [illegible] [illegible] [illegible] [illegible] Ecclesiae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex allatis probationibus constat, longe antequam [illegible] seu ab ipsis Ecclesiae primordiis exercitum est agnitum ab universa Ecclesia fuerit, sed [illegible] Patriarchalis [illegible] enim Conciliorum [illegible] [illegible] [illegible] Patriarchalis [illegible] [illegible] Alexandrinae et Antiochenae contra schismaticos [illegible] [illegible] et [illegible], adducto exemplo alterius [illegible] Patriarchalis nempe Romanae [illegible] Patriarchalis nunc est in can. 28 Concilii Chalcedonensis quemadmodum [illegible] fuerat in Concilio Constantinopolitano [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 2um [illegible] [illegible]. [illegible] canones [illegible] [illegible] Pontif. [illegible] [illegible] [illegible] [illegible] fuerint. Ex quibus omnibus [illegible] nullum [illegible] [illegible] [illegible] [illegible] Romanum [illegible] Pontificis jurisdictione.

[illegible] Gelasii [illegible] 23 [illegible] „ Romana Ecclesia nullis synodicis constitutis ceteris Ecclesiis praelata est, sed Evangelica voce Domini et Salvatoris nostri Primatum obtinuit „. [illegible] Florentini Concilii Patres [illegible] definimus [illegible] „ [illegible] Apostolicam Sedem et Romanum Pontificem in universum orbem tenere Primatum et ipsum Pontificem Romanum [illegible] B. Petri Principis Apostolorum et verum Christi [illegible]

[illegible] omnium Christianorum [illegible] emin[illegible]
[illegible] ipsi in D. Petro pascendi regendi et gubernandi universalem [illegible] [illegible] potestatem [illegible]
[illegible]

A XVIII
De nexu Primatus cum Romana Ecclesia.

[illegible] in successore [illegible] tamen [illegible]

[illegible] Catholici nominis [illegible]

[illegible] Pontificis [illegible]

[illegible] Romano [illegible]

[illegible]

Retro Balle [illegible]

[illegible]

[illegible] omni [illegible]

[illegible]

[illegible] unam solltem [illegible]

[illegible] legitim [illegible]

[illegible]

[illegible]
[illegible], sive Leonis M.[i] dicentis [illegible]: "Beatissimus Petrus princeps Apostolici ordinis ad arcem Romani destinatur imperii"; sive Gelasii (Ep. 14): "Christus cum dispositione mirabili in dominam gentium Romam cinxit", [illegible]

Benigna et clementissima Dei Providentia [illegible] Apostolos Petrum [illegible] [illegible]

[illegible]

ito [illegible] ejusmodi paucorum opinionem refellunt et [illegible] [illegible] [illegible] (c. 12) atque non parum [illegible]

[illegible] Sedis Romanae adeo [illegible] praedicandae [illegible] eamque [illegible] ab ipso Salvatore nostro Primatum obtinuisse, necnon [illegible] magisterium [illegible] celebre illud Gelasii dictum in Concilio Romano

Sancta Romana Ecclesia nullis synodicis constitutis [illegible] [illegible] est, sed evangelica voce Domini et Salvatoris nostri Primatum obtinuit [illegible] (ell. 87) et ante Gelasium S. Leo (Ep. 120 ad Theod.) [illegible] Sedi Romana his verbis, "[illegible] Dominus statuit praesidere" [illegible] denique ut ceteros mittam in Concilio Lateranensi IV.[o] [illegible] "[illegible] disponente Domino [illegible] ordinariae potestatis obtinet principatum utpote mater universorum Christifidelium et magistra".

N. XIX

Rejicitur distinctio inter Sedem, Cathedram et Ecclesiam Romanam et inter Rom. Pont. ubi de Primatus prerogativa agitur

[illegible] Romani Pontificis Potestatis osores qui Primatus auctoritatem infrin[illegible] [illegible]entes, cum Romanam sedem seu cathedram ab antiquis laude [illegible] [illegible] [illegible] primatus jurisdictionem et prerogativam Romanam eidem Sedi seu Cathedrae et Ecclesiae, quam a Romano Pontifice distinguen[dam] putant, non autem uni persona Pontificum vindicant: quod quam [illegible] [illegible] ratione alienum haud difficili negotio convincitur.

[illegible] enim [illegible] [illegible] Romanae Cathedrae seu sedi [illegible] [illegible] non aliunde quam ex primatus prerogativa [illegible]; quae non [illegible] est quam in Romano Pontifice qui in ea cathedra sedet. Quemadmod[um] [illegible] Primatus est personalis et singularis solius Petri et successorum ejus, [illegible] etiam jurisdictio et prerogativae quae eidem Sedi ab antiquis adscribuntur [illegible] [illegible] primatus ejusdem Petri ac successorum singulares ac personales judi[candae] sunt; proindeque a Persona Petri et Romanorum antistitum se[parari] nequeunt nec attribui possunt Romanae Sedi aut cathedrae [illegible] [illegible] distinctam [illegible] Petri vel Pontificum intelligamus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontific[illegible] [illegible] [illegible] [illegible] [illegible] Romanum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hic existimari velim in uno Romano Pontifice totam esse Ro[manam] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] etiam eidem attribuentem significat. Nos unum dico Primatus [illegible] et jurisdictionem cum prerogativis ejus propriis, quales [illegible] [illegible] [illegible] [illegible] [illegible] Pontific[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]

Id autem communissima probat Sanctorum Patrum traditio nihil enim [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] invenimus quam Apostolicam Sedem aut Cathedram

Romanam Ecclesiam, Romanumque Pontificem pro una eademque re habere; eaque nomina nullo discrimine usurpare. Ita S. Hieronymus, cum in [illegible] nam fidem consulturus Damasum consuluit, et de unitate fidei [illegible] alloquens illis verbis: „Ego beatitudini tuae, id est cathedrae Petri, communione consocior [illegible] ipsum cujus responsum a Petri cathedra petebat pro eadem cathedra petere [illegible]. Ita et Augustinus, [illegible] Papam modo Apostolicam sedem nominat inter Pelagianos promulgat promiscue, scribens eundem Pontificem pro Sede Apostolica [illegible] et utrumque [illegible] Pontifices Apostolicae Sedis episcopale [illegible] (... Orig. c. 12); eo quod unum et idem sit hujus Sedis et Summi Pontificis ~~[illegible]~~ in ea praesidentis judicium. Quo sensu etiam S. Prosper (contra Collator. c. 15) scripsit; „Sacrosancta Beati Petri sedes per universum orbem Papae Zosimi sic ore loquitur„. Quod et de Romanae Ecclesiae appellatione [illegible] ac proinde S. Petrus Damianus ad Alexandrum II^um^ non dubitavit scribere (Opusc. 20. c. 1) „Vos Apostolica Sedes, vos Romana estis Ecclesia [illegible] non [illegible] [illegible] [illegible] illius [illegible] [illegible]„ [illegible] „Sanctam Apostolicam Sedem et Romanum Pontificem in universum orbem tenere Primatum

CAPUT IIum

De Fine et Natura Pontificii Primatus

§ XX

Capitis Divisio

[illegible] naturam [illegible] [illegible] patebit aditus [illegible]

Articulus I

De Fine Pontificii Primatus

§ XXI

[illegible]

[illegible] agnov[illegible] [illegible]

vel [illegible]

[illegible] adhaeren[illegible]

[illegible]

[illegible] omnium Patrum ratio est [illegible] [illegible] conveniendam [illegible] [illegible] ex [illegible] quae intercedit [illegible] seu parte [illegible] [illegible] universalem quo [illegible]

[illegible] Protestantem Henke [illegible] Lips. an. 1082 [illegible] hoc perspectum habuit ut [illegible] unitatem Ecclesiae ubi commentum [illegible] ultro tamen fassus est caeteras causas ad Primatus confirmationem haud suffecturas fuisse nisi commentum illud unitatis assumptum extitisset, cujus constituendae causa Petrus ab ipso Domino curam Ecclesiae cum auctoritate cons[titut]us fuerit". Merito proinde in Synodo Constantiensi inter alios errores [illegible] quo damnatus fuit, eo hujus visibilis Ecclesiae capitis seu [illegible] [illegible] esse unum caput in spiritualibus regens Ecclesiam quod sem[per] [illegible] cum ipsa militante Ecclesia conversetur est [illegible]

§ XXII

Primatus ad unitatem Eccl[esiae] [illegible] conservandam [illegible]

[illegible] facultates ad illud exsequendum idoneas [illegible] magis dicendum cum de officio agitur necessario Ecclesiae [illegible] [illegible] in successoribus ejus Primatum [illegible] in eo [illegible] ad hunc finem obtinendum idoneam [illegible] contulerit [illegible]

[illegible] unitatem obtinere debet [illegible] Primatis [illegible] vel impedire non [illegible]

[illegible] honore [illegible]

[illegible] Primatis collatam [illegible]

[illegible] Irenaeo [illegible] omnes ubique fideles cum [illegible] Apostolica [illegible] potentiorem principalitatem [illegible]

[illegible] bono unitatis [illegible]

[illegible] Ecclesiae salus in [illegible] unitate pendet [illegible]

[illegible]

[illegible] Congregationem [illegible]

[illegible] et coactiva praeditum esse ad servandam et continendam [illegible] [illegible] [illegible] quae [illegible] Ecclesiae notione ad quam unitas charitatis et communionis refertur. Neque enim est inquit Augustinus (l. 2 in [illegible] c. 9) divisio vel schisma fieri potest nisi diversum aliquid sequantur qui faciunt, vel ut habet [illegible] [illegible] Nullum schisma non sibi aliquam [illegible] haeresim ut recte ab Ecclesia recessisse videatur.

§ XXIII

Romanus Pontifex est catholicae unitatis centrum in quo omnes episcopi et Christifideles in fide et communione adhaerere debent

[illegible] [illegible] niunt. Centrum ergo unitatis catholicae est ille episcopus cui singuli [illegible] fideles siquidem ad Christi Ecclesiam pertinere velint debent adhaerere cum ipso profitendo fidem eamdemque communionem servando. [illegible] vero hunc eumdem esse nequit nam Romanus Pontifex ut Primatus praedi[illegible] [illegible]

[illegible]

[illegible] confirmatur sive ex Scripturis sive ex perpetua Traditione [illegible] [illegible] [illegible] [illegible] communicant [illegible] communicanti [illegible] [illegible]

[illegible] volumus 1° ex verbis Christi apud Matthaeum 16. Tu es Petrus et super hanc Petram aedificabo Ecclesiam meam [illegible] Ecclesiae visibili perpetuitatem [illegible] [illegible] Petram et fundamentum [illegible] potestate et non alia est Christi [illegible] huic fundamento innititur atque cohaeret. Unde S. Ambrosius [illegible] Matthaei verbis statim intulit: „Ubi Petrus ibi Ecclesia„. Quibus verbis profecto connexionem et communionem [illegible] totius membrorum cum eo fundamento necessariam praesumpsit [illegible] [illegible]

[illegible] confessionem [illegible]

[illegible] commendationis universalem [illegible]

[illegible] communem [illegible]

[illegible] autem prerogativa supra omnes [illegible]

[illegible] Pastori Petro et successoribus ejus tributa [illegible]

[illegible] Primatus juxta [illegible]

[illegible] talis negari eidem nequit [illegible]

[illegible] grege [illegible]

[illegible] cum gregibus in unita[illegible]

[illegible] debent [illegible]

[illegible] instituit. Non alia de causa [illegible]

[illegible] nisi quia ut pastori suo grex adhaerens, [illegible]

[illegible] Ecclesiis [illegible]

[illegible] oves [illegible]

[illegible]

[illegible] in fide conven[illegible]

[illegible] Petro commis[illegible] [illegible]

[illegible] unus p[illegible]

[illegible] testimonia collegit Petrus Ballerinius [illegible]

[illegible] S. Irenaeum [illegible] S. Gregorium [illegible]

[illegible] de Romana Ecclesia loquens hęc habet: "Ad hanc enim Ecclesiam propter potentiorem principalitatem ne[illegible] [illegible] Ecclesiam [illegible] eos qui sunt undique fideles [illegible]

[illegible] communionis sed etiam fidei; hęc enim verba [illegible] Irenęus [illegible] supra tradiderat de fidei doctrina quę in [illegible] per summos Pontifices [illegible]

[illegible] hac doctrina in primis hereticos atque hereses [illegible]

[illegible] vero in libro de vita sua sermonem faciens [illegible]

[illegible]

dum ex Graeco salutaris doctrina [illegible]

[illegible] unitatis [illegible] fide [illegible]

[illegible] Quodcumque latens sol videt [illegible]

[illegible] periculis [illegible]

[illegible] tunc cum deinde [illegible]

[illegible] ob [illegible]

[illegible] et talibus clamamus primum [illegible]

[illegible] natu [illegible] quam

inde quod Sacerdoti Dei non [illegible] nec unus in Ecclesia ad [illegible]

[illegible] est ad tempus [illegible]

[illegible] non [illegible] potest [illegible]

[illegible] particularem gregem [illegible]

[illegible]

[illegible] non [illegible]

[illegible] non alit [illegible]

[illegible] unitatem sacerdotalem [illegible]

[illegible] est [illegible]

[illegible] gradum [illegible]

[illegible] cathedra [illegible]

[illegible]

[illegible] fidei, at natos descendo, licet [illegible]

[illegible] etiam Apostolicarum

[illegible]

Articulus II

De Natura Pontificii Primatus

A. XXII

[illegible]

[illegible]

[illegible] nuere ac propemodum destruere valeant. Litem dum tacerimus quoque [illegible] [illegible]

alii, minuere speciem jurium quae competunt metropolitis et patriarchis, alii efferre solum in eo quod cum illi in sua tantum provincia et Patriarchatu [illegible] [illegible] Pontifex ubi ubi [illegible] [illegible] [illegible] observantiam ecclesiasticae disciplinae. Eodem Christifidelibus munus [illegible] officium obediendi Summo Pontifici sed [illegible] nominibus [illegible]

Ex qua doctrina sequitur Primatus potestatem non esse immediatam seu ordinariam eta ut ad Romanum Pontificem tamquam Ordinarium pastorem [illegible] et regimen singularum quarumcumque ecclesiarum pertineat, sed potestatem tantum [illegible] [illegible] [illegible] extraneam [illegible] [illegible] diorum negligentia et aliud nihil valet in aliena dioecesi nisi extraordinarium ubi alias et unitati ecclesiae [illegible]. Quam erronea sit hujusmodi [illegible] [illegible]

A XXI

Primatus auctoritas quo divino jure pollet Romanus Pontifex, auctoritas est Episcopalis quae omnes complectitur Christifideles

[illegible]

[illegible]

successores in Primatu [illegible] Joannis XXI [illegible]

[illegible] hujus [illegible] populi [illegible]

[illegible] Pontificem [illegible]

[illegible] in civitate [illegible]

[illegible] romana, disponente Domino [illegible] potestatis [illegible]

[illegible] mater universorum [illegible] romano Pontifici [illegible]

[illegible]

[illegible] super episcopos [illegible] at Romanum [illegible]

[illegible]

§ XXVI

Corollarium 1[um]

Tertulli[illegible] Primatus supremi [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] appellationes quibus Petrum aut Romanum Pontificem absolute Primum [illegible] [illegible] [illegible] [illegible], quin unquam suspicionem ingererent illius neotheriçe distinctionis. Quin imo illam excludunt. Enimvero audiatur antiquus Gallicani episcopus metropolis Arelatensis qui in Ep.^a ad Leonem M. non dubitavit scribere: „Per beatum Petrum apostolorum primum sacrosancta Ecclesia Romana tenet [illegible] totius mundi Ecclesiis principatum„. Audiatur secundo [illegible] ceteris [illegible]

[B]ernardus qui anteriorum Patrum Gallicanæ imo et Catholicæ Ecclesiæ doctrinam expressit (Ep. 131^a ad Mediol.) „Plenitudo siquidem potestatis super universas [illegible] Ecclesias singulari prærogativa Apostolicæ Sedi donata est„. Universas porro Ecclesias non distributive sed collective S. Doctorem accepisse declarant quæ ad Eugenium [illegible]: „Quisque ceterorum [illegible] habet suam [illegible] una [illegible] commissa est grandissima navis facta ex omnibus ipsa universalis Ecclesia toto orbe diffusa„. Qui universali Ecclesiæ ex omnibus particularibus coalescenti jurisdictione [illegible], nonne in omnes collective jus habet?

[illegible] nonne et ipsi episcopi in Concilio [illegible] [illegible] [illegible] Christifidelibus ubique terrarum [illegible] [illegible] [illegible] [illegible] pro sua auctoritate in universam Ecclesiam [illegible] celebrandum. Patres Concilii [illegible] [illegible] litteris [illegible] ac [illegible] Nestorii [illegible] Patres Concilii [illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible] Christo instituta fuerit in [illegible] unitatis Ecclesiæ, ut capite constituto [illegible] [illegible] schismatum tollatur occasio, vim profecto coactivam in omnes debet habere [illegible]

obtineri non possit. Hinc qua ratione ea vis in singulas ab adversariis conceditur usa Primatus eadem in omnes collective concedenda est, cum universae Ecclesiae unitas non ex singulis tantum sed ex omnibus collective sumptis est [illegible]

[illegible]

[illegible] ab adversariis [illegible]

[illegible]

[illegible]

[illegible]

pasce ad pastorem [illegible] vero gregem seu oviculae efficiuntur ab oculus pasce pastorem, membra sorsim sumpta regi a capite, simul vero sumpta caput regere seu dirigere [illegible] quae [illegible] omnino [illegible]

ipsi praestantiores Protestantes adnotarunt. Inter quos Joannes Laurentius Mo[illegible]

[illegible]

[illegible] contentum [illegible] non universae Ecclesiae [illegible]

[illegible]

[illegible] omnes illas [illegible] subesse [illegible] non vero quae [illegible] continentur [illegible] provinciam

[illegible]

[illegible]

N XXVIII

Praecipua adversariorum argumenta diluuntur

Si hucusque demonstratum est Romanum Pontificem [illegible]

[illegible]

[illegible]

[illegible] quo

collectos exercere [illegible] scilicet id derivare ex natura Concilii Generalis [illegible]

[illegible] Christus Matthaei 18 non [illegible] sed [illegible]

[illegible] declaraverit supremum tribunal. Et nos [illegible] illud [illegible] Christi

[illegible]

[illegible]

[illegible]

[illegible]

utrumque [illegible]

[illegible] instant. Ex sola convocatione legitima [illegible] Concilii Patribus collective sumptis [illegible] [illegible], vel postea eorum dispersa [illegible] decreta omnes [illegible] [illegible] legitimum [illegible] legitime [illegible] [illegible] ex ipsa legitima convocatione non est consecutus? [illegible] Patres [illegible] [illegible] Pontificii assensus necessitatem agnoscentes solam convocationem legitimam [illegible] nequaquam sufficere [illegible].

[illegible] autem nonnulli [illegible] a distributivo [illegible] [illegible] deduci ad collectivum [illegible] afferunt eum qui potest [illegible] ac ferire singulos [illegible] magni acervi lapides non tamen omnes [illegible]; vel eum qui potest pugnando singulos hostes vincere non tamen [illegible] omnes. [illegible] [illegible] subordinata atque suprema [illegible] [illegible] expresso [illegible] potestatis collatore; quod [illegible] Petro aut ceteris summis Pontificibus [illegible] Dominus non tam in singulos [illegible] [illegible] in omnes sui regni subditos; pariter non minus in singulos quam in omnes [illegible], neque [illegible] [illegible] auctoritatem [illegible] non habet in singulos non habet etiam collective in omnes. Quomodo ergo [illegible] [illegible] [illegible] praepositus [illegible] nisi omnes [illegible] [illegible] antiqua institutio?

[illegible]

§ XVIII

Corollarium II

Primatus auctoritas est immediata seu ordinaria

[illegible]

Et, ad hunc est quod Romani Pontifices quovis tempore Ecclesiae numquam immediate imo plenitudine episcopos in toto orbe instituerint vel deposuerint vel restituerint, quod leges tulerint, dispensaverint, punierint; quod vicarios suos [illegible] ordinariae [illegible] tempore [illegible] non [illegible] quod ex quacumque [illegible] praeter quam fuerit et causa vero [illegible] nulla concessa fuerit appellatio. Id [illegible] universa Ecclesiastica historica et plura exempla legi possunt, quae [illegible] ([illegible] 2 [illegible] 13 [illegible] 20 [illegible])

[illegible] necessitas urgeat ubi sancyre, dum ejusdem generis [illegible] ordinationem [illegible] aliqui Sancti et celebres viri extra suarum Dioecesum [illegible] omnino diversa est. Id ea enim [illegible] Sanctos illos [illegible] impulit charitas quae nullis arctata limitibus [illegible] Ecclesiae necessitas vocat. Ut quae Romani Pontifices gesserunt [illegible] primatus potestatem ob curam quam universis Ecclesiis ex divina

institutione debebant., ut ait Leo M. in Ep. ad Anastasium episcopum Thessalonicensem, [illegible] custodia ipsis a Salvatore commissa est, ubi [illegible] sunt Petri [illegible] [illegible] Ecclesiam pa[illegible] [illegible]des ubique principatum obtinuerunt et obtinent [illegible] legitur in [illegible]

[illegible] hinc etiam [illegible] [illegible] [illegible] [illegible] Pontificis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] instituta est, gradus ille Hierarchiae ab Ecclesia instituti non tamen sine [illegible] Petri aut successorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Romani Pontifices non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Ecclesia [illegible] necessaria [illegible] [illegible] [illegible] non ob [illegible] Petri jus sed ob suplendum quodammodo Petri officium ad vices. Quidquid [illegible] Romanus Pontifex [illegible] ordinario [illegible] [illegible] [illegible] [illegible] Patriarcha vel [illegible] [illegible] [illegible] gerunt vicario quodam et delegato nomine. Quare [illegible] Leo in [illegible] Epistola [illegible] scribebat magna providentia fuisse constitutos per [illegible] [illegible] Petri Sedem universalis Ecclesiae [illegible] cura confluerent et nihil unquam a suo capite dissideret.

[illegible] Lateranense Concilium sub Innocentio III in quo [illegible] [illegible] interfuerunt c. 5 definivit.. Romana Ecclesia, disponente Domino super omnes alias ordinariae potestatis obtinet principatum utpote mater [illegible] [illegible] [illegible] [illegible] [illegible]

§ XXIX

[illegible]rollarium III

[illegible]ualis potestas est etiam plena

[illegible] [illegible] quod divino jure pollet Romanus Pontifex non solum suprema est et ordinaria sed etiam plena [illegible] divinus [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] destructionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] esse Romanum Pontificem supra ceteros episcopos. [illegible]
[illegible] conferunt. Apertissima haec super re sunt Evangelii oracula: Tibi
dabo claves regni caelorum et quodcumque ligaveris super terram erit ligatum et in caelis
et quodcumque solveris super terram erit solutum et in caelis .... Pasce agnos me-
os. Pasce oves meas. Supervacaneum autem est Patrum testimonia conge-
rere [illegible] de hujusmodi [illegible] S. Bernardus in 131ª dicebat: Plenitudo
potestatis super universas orbis Ecclesias singulari praerogativa Apostolicae Sedi dona-
ta [illegible]. Qui igitur huic potestati resistit, Dei ordinationi resistit [illegible]

[illegible] in 4um Senten. Distinct. 2. p. 2. a. 2. S. ad 4. : Quidquid lo-
quamvis disputantes vel etiam praedicantes, hoc sana fide tenendum est quod
Dominus Vicario suo plenitudinem potestatis contulit, et tantam utique rece-
pit potestatem quantam decebat homini puro dari. Et hoc ad aedificationem cor-
poris sui quod est Ecclesia. Unde super hoc non temeraria judicare sed gratias
[illegible] Deo agere [illegible] nostrama sententia illos deberet cor-
[illegible] tantam potestatem Pontificibus a Deo collatam moleste ferentes
[illegible]

[illegible] Romani Pontifices ab aetate Apostolica ad nostros hos dies [illegible]
[illegible]
[illegible] exercuerunt. Quoties [illegible] alicubi sunt, aut [illegible]
[illegible] e sedibus suis temere dejecti [illegible]
[illegible]
[illegible]
[illegible] Ecclesiae disciplina sancienda [illegible] auctoritate [illegible]
[illegible] Romani [illegible]
[illegible], circumscriptione, episcoporum translatione, aliisque ejusmodi cujus rei
[illegible]
[illegible] immortalis memoriae Pium VII ad Napoleonem facta [illegible]
[illegible]

[illegible] Florentini Patres in decreto Unionis definierunt [illegible]
mano Pontifici in Beato Petro pascendi, regendi et gubernandi uni-
[illegible] plenam potestatem [illegible]
[illegible]

N° XXX

[illegible] quae contra [illegible] moveri solent

Quam hucusque tradidimus et defendimus de Romani Pontificis [illegible] doctrinam, Launoius et Febronius ejusque divinae [illegible] natis originem et institutionem oppugnantem, [illegible] Sanctorum Patrum [illegible] auctoritatem arbitrariam [illegible] in Ecclesiam [illegible] [illegible] est ob hujusmodi injustis calumniis [illegible]

[illegible] vero doctrinam nostram divinae episcopatus originem et institutionem [illegible] manifestum quod episcopatus universalis [illegible] Romano [illegible] nos [illegible] Nec enim Romanus Pontifex non episcopus veluti per admin[illegible] [illegible] unumquemque Ecclesiae particularis bonum [illegible] subjectione [illegible] potestatis [illegible] ad Romanam [illegible] ad servandam [illegible] fidei [illegible] communionis in Ecclesia universa. [illegible] auctoritate sua Romanus Pontifex cum aut aliquis part[illegible] dioecesis aut Ecclesiae universalis utilitas sive necessitas id ipsum postulat. Atque hinc est quod nulla prorsus [illegible] nullae [illegible] nulla aut [illegible] in subjectis [illegible] ex Romani Pontificis praeeminentia. Nam quemadmodum in una dioecesi [illegible] pastorem habent; nemo tamen immediatam ac ordinariam in [illegible] dioecesis fideles jurisdictionem episcopo [illegible] nullae [illegible] pertimescendae sic nullae pertimescendae sunt in casu nostro.

[illegible] a Sanctorum Patrum Traditione aberrat doctrina de [illegible] Primatus [illegible] quam [illegible]

[illegible]

[illegible]

[illegible] illud [illegible] abusum [illegible] et ambitionem [illegible] [illegible] non [illegible]

[illegible] ex ambitione

[illegible]

dere. Hic postquam cum Alexandrini et Antiocheni Patriarchae [illegible]
[illegible]
[illegible]
epi[scopi] oecumenici sibi vindicare, et cum titulo univ[ersalis]. Quapropter S. Gregorius M. cui artes illius bene erant perspectae, fortiter obstitit ne malum ingravesceret [illegible] nomen hoc interdixit Joanni [illegible] gratia [illegible] se abstinuit, quamvis ostendat jure sibi competere posse; et [illegible] ipsa super universam Ecclesiam potestatem suam auctoritatemque ostendit [illegible] ostendere satisfecit. Interim et [illegible] humilitatis exemplum praebet, teste ejus biographo Joanne [illegible] S. Gregorius [illegible] servorum [illegible]

Neque aliquid negotii facessere debent nonnulla S. Cypriani dicta quae in [illegible] celeberrimum illud effatum S. Patris: „Episcopatus unus est cujus a singulis in [illegible] tenetur", concludentes generalem [illegible] „Neque quisquam nostrum Episcopum se esse Episcoporum constituit, [illegible] ad obsequendi necessitatem collegas suos adigit": quibus verbis vellicari Romanum Pontificem.

[illegible] ex objectis locis non potuit sane S. Cyprianus [illegible] auctoritati et jurisdictioni in omnibus [illegible] ad Romanam [illegible] catholicae [illegible]
[illegible] omnes episcopatus [illegible] ab episcopatu Romano velut ab origine [illegible] velut radici adhaerentes [illegible]
[illegible] Romanus Pontifex [illegible] similitudines [illegible] ibidem [illegible] unus est solis unde radii, fontis unde rivuli, arbor[is] [illegible] Quapropter [illegible] Romanam appellat [illegible] matricem Ecclesiae catholicae; nec aliunde obortas esse haereses aut nata schismata affirmat, quam inde quod sacerdoti Dei non obtemperatur, nec unus [illegible]

[illegible] cui omnes sunt subordinati. Ut autem dicit nobis [illegible] [illegible] cui omnibus praesit, cum is nequeat [illegible] [illegible] [illegible] matrimonio praesidet; sufficit lex illa divina et naturalis quae supremus [illegible] [illegible]

Quod si quidam abusus [illegible] quorundam Pontificum culpa quae nulla [illegible] possit excusari aliquando provenerint, quod tamen praesertim [illegible] [illegible] [illegible] negandam potestas quae omnino certa est, [illegible] jam demonstravimus [illegible] ad divinum jus immutabile pertinet, nec ex abusibus fit incerta, [illegible] [illegible] minus ex abusibus est negandam si abusus non ex ipsius Pontificis [illegible] [illegible] [illegible] [illegible] tamen per se absolute [illegible] dicenda est ut nec ex abusibus irrita fiat, nec [illegible] [illegible] culpa abutentium illicita, nulla per se irrita habenda sunt. Si ob [illegible]

[illegible] nunc movebunt [illegible] perfectos [illegible] non impediant, affirmabunt irritos, [illegible] proprio velut [illegible] abusu [illegible]. Si quidem [illegible] [illegible] illicite agunt. At non omnes actus qui fiunt illicite sunt etiam irriti [illegible] vulgatum illud: Multa facta tenent quae fieri prohibentur [illegible] [illegible] abusibus remedium [illegible] [illegible] [illegible] negandam et impugnanda legitima [illegible] certa potestate, perperam [illegible] [illegible]

Caput III

De Juribus Primatus Romani Pontificis.

Art. XXXI

Jurium quæ ad Romanos P.^os ratione Primatus pertinent Distinctio

[illegible] ... Romanum, eumque B. Petro immediate collatum ad successores transmittendum qui alii non sunt necesse [illegible] nisi Romani Pontifices. [illegible] naturam hujus Primatus consistere in auctoritate [illegible] ... plena potestate regendi [illegible] ... [illegible]

[illegible] distinctio [illegible] jura Primatus attendenda [illegible] ... Primatus Essentialia et Accidentalia. Jura essentialia dicuntur ea quibus [illegible] Summus Pontifex [illegible]; [illegible] Ecclesiæ disciplina in confirmandis [illegible] et [illegible] causis [illegible] Summo Pontifice sed a Metropolitis et Conciliis [illegible] ... Quum itaque Summi Pontifices [illegible] Ecclesiæ disciplina [illegible] ... [illegible] sed [illegible] accidentalia habenda sunt et Metropo[illegible] ... [illegible]

[illegible] Romani [illegible] [illegible] ... propria auctoritate consistere quae universam complectitur Ecclesiam [illegible] ... Romanus Pontifex [illegible] ad eiusdem Ecclesiae [illegible] ... pertinet. Quare distinctionem inducunt inter, [illegible] [illegible]

Nec refert quod ejusmodi jura Metropolitis olim Conciliis [illegible] [illegible] ... corruptela censeri debeat [illegible] ... postea [illegible] Romanum [illegible] in hoc [illegible] exercitio juris [illegible] [illegible] ... animadvertendum in primis est jura Metropolitanorum [illegible] ... Provincialium Ecclesiam originem ducere, neque [illegible] neque Metropolitas [illegible] [illegible]

[illegible] de [illegible] et nova disciplina [illegible] Pontifice tota semper plenitudo potestatis [illegible] non tamen semper [illegible] [illegible] ex quibus [illegible] [illegible]

[illegible]

[illegible]

Adversus [illegible] distinctionem id illud urgeri potest quod [illegible] fuerit toti antiquitati. Ex autem [illegible] licet [illegible] Pontifices [illegible] plenitudinem [illegible] amplissimam nemine reclamante exercuisse [illegible] auctoritatem. [illegible] ipsa jura immo [illegible] tribuant [illegible] ex quibus illa in Pontifices derivasse [illegible]

[illegible]

[illegible] perduellionem

[illegible] distinguimus, ratione objecti [illegible] Magisterii, Ministerii et Regiminis, [illegible] Honoris [illegible] autem negotia omnia [illegible] causas maiores appellare

Articulus I

De Juribus Magisterii

N XXXII

Jura Magisterii recensentur

[illegible]

[illegible] institutus fuit ob custodiendam in tota ecclesia [illegible] [illegible] et doctorum ecclesiae professa est. [illegible] solemnes fidei definitiones [illegible] Religionem Christianam [illegible]

Art. XXXIII

A

De jure definiendi controversias de fide et moribus

Quaestionis status

[illegible] constitutum esse catholicae doctrinae magistrum [illegible] infallibile [illegible]

[illegible] ut ejus definitiones habeant [illegible] Romanam fidem et [illegible] 2° ut solemni ratione ac sub censuris doctrinae [illegible]

[illegible] infallibilitas in dogmaticis [illegible] ad Ecclesiae consensum tribuenda sit an non [illegible] Ecclesiae ejus definitionibus consensu. [illegible]

[illegible]

[illegible] observandum autem ... [illegible] ... nullam in concreto locum habere. Etenim si Pontifex [illegible] ... in decernendo cum plures sunt [illegible] ... quod si omnes ab invicem divisi sunt, illi Ecclesiam constituunt [illegible] ... juxta celebrem regulam a S. Ambrosio traditam [illegible] ... Ut plerumque usuvenit in ejusmodi ... error ali[illegible] ... exsurgit, in eam insurgunt ... scriptis impugnant, deferunt ad Apostolicam Sedem, et condemnant [illegible] ...

[illegible] ... posse et Pontifex solus sit in dogmaticis constitutionibus [illegible] ... tamen hanc, si ad praxim revocetur, locum hab[illegible].

XXXIV

Romanus Pontifex ex cathedra definiens in rebus fidei et Morum, infallibilis est, ejusque dogmatica decreta etiam antequam accedat Ecclesiae consensus, sunt prorsus irreformabilia

1um Argumentum ex fine Primatus

[illegible] ... vero, verum etiam interno mentis assensu credentes esse [illegible] ... honorem demonstravit S. Petrus dicto XV his verbis: „Viri frat[illegible] ... antiquis diebus Deus in nobis elegit per os meum audire [illegible] ...

[illegible]

[illegible] contulisse onthori, [illegible]

[illegible] mas in fide et religione

[illegible] ne putari quidem potest Christ[illegible]

[illegible] non dedisse potestatem ad [illegible]

[illegible] voluit in fide [illegible]

[illegible] est [illegible]

[illegible] Pontifex falli [illegible] unita [illegible] tam dissonantes in fide [illegible]

[illegible] dogmaticis [illegible]

[illegible] non auditur [illegible]

[illegible] Nomine [illegible] duo [illegible]

[illegible] episcopi [illegible] una [illegible]

[illegible] Pontificem in sua defini[illegible]

[illegible] Catholici sequi deberent quoad [illegible]

[illegible] est [illegible]

[illegible]

[illegible]

[illegible] Christus Ecclesiae suae satis consuluisset. Quare ob res si ad Ecclesiae [illegible] in fide conservandam Primatus a Christo positus fuit, necesse profecto [illegible] in suis definitionibus errare [illegible] omnes et judices etiam minores sequi [illegible]

A. XXXV

II.^m Argumentum ex Scriptura

[illegible]

[illegible]

Utrum est quod Christus [illegible]

[illegible] et ego dico tibi quia tu es Petrus et super hanc petram ædificabo ecclesiam meam et portæ inferi non prævalebunt adversus eam. Deo ex his verbis portæ inferi non prævalere poterunt adversus Ecclesiam quæ hæc ædificata est supra Petrum tanquam supra firmam petram solidumque fundamentum. Si igitur [illegible] in hypothesi posset Ecclesia reformare dogmatica Romanorum Pontificum [illegible] Ecclesia [illegible] suam fir[illegible] mutarentur a fundamento sed fundamentum ab ædificio quod est [illegible] consilium et mentem Christi [illegible] alibi [illegible]

[illegible] Petrum [illegible] supremum ad universalem totius Ecclesiæ [illegible] Christus [illegible] communi [illegible]

Cum vero pastores [illegible] præcipue [illegible] salutaria [illegible] plane [illegible] non [illegible] pastor [illegible] ad pascendum [illegible], ab his pastor [illegible] plane absurdum est. Imo [illegible] nobis [illegible] Christi [illegible] dispositione [illegible] in errore [illegible] deberemus [illegible]

[illegible] Christum infallibilitatis [illegible] in docendo [illegible] ex cathedra [illegible] Ecclesiæ [illegible]

§ XXXVI.

III. Argumentum ex Traditione

[illegible] hac in parte [illegible] sensus [illegible] Traditi[illegible]

[illegible]

adducta Scripturarum testimonia de Petro [illegible]
[illegible] parte, [illegible]
Auctor Quæstionum [illegible], S. Leo M. Gelasius Pelag. [illegible]
necnon S. Agatho ad Imp. Constantinum qui [illegible]
item Arnulphus Paschalis II, Innocentius III qui uno [illegible]
unus Primatus confirmandi fratres in fide. Nos hic unius S. Bernardi [illegible]
ta aliis citatis proferimus ad Innocentium II: „Dignum namque arbitror
ibi potissimum resarciri damnum fidei ubi non potest fides sentire defectum.
Cui enim aliquando dictum est: Ego [illegible]
[illegible]
[illegible]
[illegible]
[illegible] post
[illegible]
[illegible]
meum superos [illegible]
[illegible] Alexandrinus, Simplicius Papa, Leo M. Gelasius. Item denuo [illegible]
[illegible]
Christo [illegible]
[illegible] in fide [illegible] in Rom. Pontificibus [illegible] cujusmodi
[illegible] S. Augustinus, S. Maximus Taurinensis [illegible]
[illegible] Bellarminum

[illegible]
[illegible] ad Romanam Ecclesiam [illegible] fidei
[illegible] catholicam [illegible]
[illegible] ad causa finita est ad exempla S. Pontif.
[illegible] semper vivat ac præsideat ut præstet [illegible]
[illegible] ad Romanam sedem perfidia habere non
[illegible] hæreticum [illegible]
[illegible] vel supponentes vel abstrahentes [illegible]
[illegible]

[illegible] facta luculentius adhuc quam [illegible] [illegible] his enim deprehendimus 1° Catholicos illic habuisse [illegible] [illegible] Concilii; et quod consequens est ut haereses spectasse errores [illegible] adversantes damnatos ab eodem [illegible]; 2° numquam [illegible] Conciliorum [illegible] dogmatica decreta irreformabilia spectata fuisse [illegible] [illegible] [illegible] [illegible] errores [illegible] [illegible] Pontificum [illegible] [illegible] [illegible] in liturgia [illegible] [illegible] [illegible] mus in opere [illegible]

[illegible] ipsi [illegible] hanc in [illegible] Pont. quamdiu ipsi [illegible] [illegible] condemnationem agnoverint, ubi [illegible] [illegible] [illegible] irreformabile [illegible] dogma [illegible] [illegible] adeoque infallibilem [illegible] in [illegible] [illegible]

[illegible] XXXVII

[illegible] [illegible] effugium

[illegible] vim argumentorum quae hucusque protulimus, eludant, ex [illegible] [illegible] cum Bossueto distinctionem plane novam [illegible] [illegible] [illegible]

Hec vero distinctio [illegible] cognoscitur [illegible] manifestissime [illegible]. Ex traditione enim concedendum est [illegible] Romanam fidem immotam esse et indefectibilem. Cum [illegible] Romanam fidem non esse distinguendam a fide quam Summi Pontifices docent; istorum fidem in docendo esse immotam [illegible] et pariter concedendum. Quomodo autem eadem fides immota et indefectibilis concipi potest in serie Pontificum [illegible] Ecclesiam docens deficere [illegible] pro fidei dogmate [illegible] ad ipsam seriem pertinerent. Nonne Christus ob conservandam unitatem fidei instituens auctoritatem Primatus, hac auctoritate [illegible] in ~~sim~~ aliquibus deficeret [illegible] dedisset. Neque dicas hoc casu Romanam fidem immotam [illegible] defectibilem fore in ipsa serie si non physice certe moraliter, quia Pontifex [illegible] qui errasset vel per se errorem corrigeret, vel a successoribus error corrigeretur. [illegible] enim pariter [illegible] fini Primatus quem [illegible] traditio, commentitia et [illegible] unitatem non posset exigere ad fidem [illegible] idem Pontifex vel aliquis ejus successor alia [illegible] postea [illegible] et auctoritate [illegible] habet sim obligandi ad errorem [illegible] interim obligare.

Sed falsum insuper est fundamentum [illegible] distinctio [illegible] Duo enim maxime conditiones requiruntur [illegible] dogmaticis definitionibus [illegible] sint. [illegible] Ecclesiae. [illegible] Roman [illegible] Pontifex [illegible] nec eorum quidem [illegible] est, in qua [illegible] conditionum [illegible]

Verum in [illegible] cum ipsi defecit fides, sed constantia: propterea [illegible]

non proposuit universae Ecclesiae tenendam cum nondum Ecclesia solemni [illegible] quae indubitate [illegible]

Inter [illegible] Liberii [illegible] historia est quae nunc [illegible] [illegible], pariter ambae conditiones desiderantur. Formula enim Sirmiensis cui in adversariorum hypothesi Liberius subscripsisset ex defectu pariter constantiae, sensum catholicum praeseferebat; nec ullatenus exemplum suum Ecclesiae universae [illegible] uno contrarium est.

Probatio autem [illegible] Augustinus [illegible], non perversam Coelestii doctrinam efficiebat, sed quam fingebat [illegible] bonam voluntatem [illegible] placita edictis, [illegible] Coelestius universae Ecclesiae tenendam proposuit.

[illegible] neque in Honorio qui Achilles est adversariorum, duae ex consilio habentur conditiones. Nam 1° non exarat in fide unam naturalem in Christo adstruendo operationem ac voluntatem, uno expressa in 2a ad Sergium [illegible] voluntatem [illegible] universae Ecclesiae. Sane Honorius in Ep. a 1a scribit: „Non nos oportet unam vel duas operationes [illegible] commentes praedicare, [illegible] Christo operationis et voluntatis.

Cum igitur in nulla [illegible] exstat qui incumbantur [illegible] ambae conditiones aut alterutra saltem locum habuerint, manifeste colligitur frustra adversarios conniti in impugnanda thesi nostra; sed potius [illegible] facto ipso confirmari quod adstruimus, cum nunquam [illegible] fieri potuerit [illegible]

N° XXXVIII
B

De Jure proscribendi errores Fidei et Moribus contrarios, et damnandi personas ac libros qui eos tradunt.

Romanus Pontifex jus habet damnandi errores contra fidem et mores, et personas qui eos tradunt.

[illegible]

Christi praeceptum Matthaei XVIII, Sit tibi sicut ethnicus et publicanus. [illegible]

[illegible] correctionem [illegible], et juxta omnium societatum analogiam [illegible] ne alteros inficiat. Summus ergo Pontifex [illegible] legis et praecipuus fidei custos jus habet et munus proscribendi errores ac damnandi et ab Ecclesia expellendi haereticos. Atque a primis usque tempo[illegible] contra hoc jure [illegible] sunt, ut ex Historia Ecclesiastica con[illegible]

N° XXXIX

Romanus Pontifex jus habet pravorum librorum lectionem interdicendi.

[illegible]

verum etiam ratione muneris quo funguntur omnino debent ea omnia [illegible] tollere quae communitati afferunt detrimentum. [illegible] intellexit [illegible] societatibus nocere libri mali qui a recte credendi [illegible] abducunt mores corrumpunt, [illegible] potestates [illegible] omnia denique divina et humana jura [illegible] turbare et convellere student, ita ut non tenere dicere [illegible] mutuam quod ipsi non fuerint [illegible] bene constitutae societates [illegible] hujusmodi pestiferos [illegible] exterminando assiduam diligentemque operam [illegible] Catholica ne depositum fidei [illegible] animarum [illegible]

[illegible]eretur, libros Religioni ad mores [illegible] noxios perfectio notarit eorumque lectionem [illegible]

[illegible]

[illegible]

[illegible] omnibus [illegible] quod legimus Actuum Apost. c. XIX [illegible] non com[illegible]

[illegible] judicia, [illegible] lectura [illegible] nullo non tem[illegible]

[illegible]

[illegible] moris [illegible] omni [illegible]

[illegible]

[illegible] lectionem interdicere consueverunt, quae in eo [illegible] errori [illegible]

[illegible] eorum productio terminis dioecesium et provinciarum circumscriberetur.

[illegible] primis Romani Pontifices in hac peste librorum avertenda solliciti maxime fuerunt; cumque in judiciis de fide et moribus, non secus atque [illegible]

[illegible]

[illegible] universo [illegible] orbe Catholico libri de rebus [illegible]

[illegible] mittebantur, ut sui eorum judicio [illegible]

[illegible] vero [illegible] ab omnium manibus [illegible]. Jam inde [illegible]

[illegible] ad [illegible] Summum Pontificem misit libros [illegible]

[illegible] Trinitatis [illegible]. Et [illegible] libros [illegible] contra [illegible]

[illegible] litteras ad Innocentium Pontificem misit [illegible]

[illegible]

[illegible] antiquam in Romanam [illegible]
aliquos prohibendi potestatem et consuetudinem cui parere tenebantur etiam Orientalis Ecclesiae alumni (Patriarchae aut alteri aliquin subditi. — Nostri [illegible]
[illegible]
Bullae vel Brevis, saepius autem organo congregationum S. Officii vel Indicis

XL

Praeditarum Congregatio compendiosa notio

Romanae Universalis Inquisitionis Congregatio, quae etiam [illegible] S. R. Ecclesiae cardinalibus a Summo Pontifice [illegible] Theologiae alii Canonici Juris [illegible] numerumque Romanae Curiae [illegible] probitate [illegible] consilii [illegible] Curiae praesulibus quem Assessorem vocant, [illegible] Sacrae Theologiae magistrum quem Commissarium [illegible] [illegible] numerus qui ex utroque clero saeculari et regulari assumuntur, alii [illegible] Congregationi [illegible] Qualificatorum nomen tributum est. De variis in praefata Congregatione [illegible] maximis rebus [illegible] in primis autem de iis quae Fidei [illegible] personis. Ut cum librum aliquem tamquam proscriptionem dignum [illegible] contigerit, vel ad Indicis Congregationem, ut fieri [illegible] [illegible]

[illegible] Eminentissimi Cardinales [illegible] Eminentissimi Cardinales [illegible] quam etiam eorum aliquos in utraque [illegible] [illegible] vero accensetur est magister Sacri Palatii. Secretarius autem [illegible] [illegible] Summo Pontifice pro tempore eligi consuevit. [illegible] [illegible] relationes coram Congregatione

[illegible] Congregatio [illegible] tamen ut aliquis auctoritate in Consultorum numerum referatur. Benedictus XIV in constitutione Sollicita methodum proposuit in examine et proscriptione librorum [illegible]

Libri prohibiti ex Indice sunt triplicis classis. In I classe [illegible] sunt damnati seu prohibiti propter eorum auctores [illegible] haeretici [illegible] tam illi quam deinde de Religione ex professo tractantes [illegible] in Ia classe (Reg. 4 de Ind.). In IIa classe sunt illi qui sunt [illegible] propter eorum auctores sed propter non sanam et malam doctrinam. [illegible] classe sunt illi qui sunt prohibiti propter ignotum nomen auctoris [illegible]. Non tamen ex classium ordine confiscationis gravitas [illegible] multi [illegible] in Ia aut IIa recensiti (Reg. III. Const. [illegible] omnes Israel). Qui legunt libros Iae classis incurrunt excommunicationem reservatam; qui IIae et IIIae classis [illegible] de Religione non tractant [illegible] Nemo autem cujuscumque gradus et conditionis opera damnata [illegible] praescripta quocumque [illegible] sive [illegible] aut ipsa legere vel retinere potest, sed [illegible] ordinarius [illegible]

§ XLI

Objectiones quae contra librorum prohibitionem moveri solent, solvuntur

[illegible] adversus librorum prohibitionem moveri solent [illegible] Non semper [illegible] Consultores [illegible] in [illegible] libro [illegible] Zaccharia, [illegible] " Tali [illegible] non [illegible]

[illegible] reputate se non [illegible] di animo intollerante [illegible]

[illegible]

[illegible] nella [illegible] Dottrina e Pravità; ma [illegible] ancora [illegible]

[illegible] prodigiosa [illegible]

[illegible]

[illegible] Pastori, indi de' Cardinali [illegible] che tutti [illegible]

[illegible]

[illegible] degli [illegible]

[illegible]

hominum [illegible] S. Alphonsus Maria de L[illegible]

[illegible]

[illegible] naturam [illegible]

[illegible]

[illegible]

N XLII^us

C.

De Juribus Romani Pontificis circa Concilia

Conciliorum Notio.

In ipsa humanarum relationum natura situm est ut collatis mutuo consiliis publica negotia auraturus [illegible] definitionum corroboretur. Hinc et in Ecclesia Christi a primis usque temporibus usus invaluit ut res gravioris momenti in publicis conventibus disceptentur. Conventus isti Ecclesiastici Concilia sive graeco nomine Synodi vocantur. Itaque Concilium est Conventus Catholicorum antistitum ad negotia fidei mo- [illegible] laicis quibus nullum suffragii jus in synodis esse potest [illegible] lavium in solos antistites divinitus collata est. Sane in Concilio Apostolorum [illegible] Synodum [illegible] multitudo et Apostoli atque [illegible] legitimum Concilium esse sed illum tantum in quo debita Concilia habendi forma servata sit. Sunt autem Concilia Generalia seu Oecumenica [illegible].

N. XLIII^us

De Conciliis Particularibus.

[illegible] Synodi [illegible] Nationales [illegible] Dioecesanae.

[illegible] atque [illegible]

[illegible] Concilia [illegible] [illegible]

[illegible] convocare consueverunt, hocque observat Bellarminus (l. de Conc. [illegible]) primus vacantis vel [illegible] [illegible] Pontifices [illegible] [illegible] [illegible] Concilia Nationalia episcoporum Italiae. In hisce Conciliis graviores cau[illegible] [illegible] [illegible] Pontifex [illegible] [illegible] [illegible] [illegible] [illegible] Ecclesiae [illegible] consulendum.

Concilia Provincialia [illegible] [illegible] [illegible] ecclesiastica provinciae Metropolita celebrant [illegible] [illegible] an. 4°, jussit Concilia Provincialia [illegible] (Sess. 24. c. 2 de Reformat.) [illegible] [illegible] [illegible] [illegible] mittendi sunt: primum episcopi suffraganei, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] finitimi Metropolitis, qui eidem debent ad ejus Concilium aggregantur (Sess. 24 [illegible]) [illegible] [illegible] [illegible] per Provinciam [illegible] [illegible] 13) cum Concilium suffragium [illegible] [illegible] concedere valeat (De Syn. l. 3 c. 12). Sede vacante epistola invitatoria ad Capitulum mittitur, quoque Vicarius si interest jus habet suffragii de [illegible] [illegible] Sede Plena Capitula seorsim ab episcopis invitanda sunt, verum [illegible] [illegible] [illegible] tantum consultivum habent (De Syn. l. 3. c. 4 [illegible]) [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] (l. 13. c. 2). Haec quidem per se neque amoveri neque a nova Sedis Pontificia indigent confirmatione nisi de quaestionibus agant ad fidem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] a Concilio Tridentino sancita, cumque ideo in Concilio Tridentino non [illegible] [illegible] et observatio B. Pii [illegible] quamvis commendata [illegible] [illegible] Constit. Immensa, an. 1587) sancivit, ut Congregatio Concilii acta Synodi [illegible] Provincialium [illegible] [illegible] examinet et approbet [illegible] [illegible] promulgarentur, quod etiam factum fuit. [illegible] [illegible] [illegible] [illegible] Provinciam et hoc confirmat [illegible] [illegible] [illegible]

[illegible]

§ XLIV.

Conciliorum Oecumenicorum Utilitas.

Concilia Oecumenica sunt [illegible] legitime convocatorum ad negotia Fidei, morum et disciplinae [illegible] ... probat Bellarm. [illegible] ... caruit Ecclesia Conciliis Generalibus [illegible] ... Ecclesia, Ecclesia [illegible] ... commode [illegible] ... schismata [illegible] ... celebrata sunt septem Concilia Generalia [illegible] ... Apostolica [illegible] ... Generale Concilium [illegible] ... Schismatis [illegible] ... Concilia Generalia [illegible]

[illegible]

Quod autem quandoque sint celebrata alia Concilia Oecumenica [illegible] hypotheticum [illegible] ex natura quaestionum quae oriri possunt demonstratur [illegible]

[illegible] dogmaticis definitionibus obtemperare debeat fraternitas univers[illegible] ut Cyprianus [illegible] ; quum tamen Novatores eis contumaci[illegible]

[illegible]

[illegible]

[illegible] Concilium Oecumenicum neminem esse qui ambigat [illegible] Ecclesiae Concilia Oecumenica infallibilitate [illegible] quippe non per se modum [illegible] per modum [illegible] adsistentiae Deus illam praemunit. Hinc novae exorta haeres[illegible] nomine Concilium congregare [illegible] constat ex Historia Eccl. [illegible] exemplo commonitum Apostoli qui cum possent [illegible] (Matth. 18) : Ubi fuerint duo vel tres congregati in nomine meo illic sum in medio eorum [illegible] Concilia [illegible]

N.° XLV

Ad solum Romanum Pontificem spectat Generalem Synodum indicere

[illegible] est judicare de ipsius convocationis legitima causa, praeque [illegible] bonum animarum [illegible] legitima [illegible] vero illud judicium et ea potestas unius S. P. est, cum [illegible]

[illegible]

[illegible] ... semper Catholica ... [illegible]

... comprobatum est, namque omnia Generalia Concilia ... [illegible]

[illegible] ... Concilia Oecumenica ab Imperatoribus indicta fuere ... [illegible] ... Pontificis ... et consensu, cujusque ... [illegible] ... Quapropter ad Concilia ... [illegible] ... Imperatores ... Summi Pontifices ... [illegible] ... Nec mirum si Imperatores magnum sibi ... [illegible]

[illegible]

[illegible]

N° XLVI

Quinam ad Concilium Œcumenicum vocandi

Ad concilium œcumenicum vocandi primo et necessario sunt [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Sancti posuit episcopos regere Ecclesiam Dei. [illegible] in Conciliis Generalibus non consiliarii, non consultores, sed [illegible]

[illegible] consensum episcoporum in Concilio legitimo, cum verum judicium consensuum [illegible] autem et episcopi titulares vocandi sint, disputant canonistæ, quia neque ordinarii [illegible] consiliarii episcoporum cum et diaconi aliique clerici [illegible] in Conciliis Generalibus si ab episcoporum collegio in consilium adhibeantur [illegible]

[illegible] propria non [illegible] non audiant, neque [illegible] suffragio decisivo sed consultivo [illegible] [illegible] episcopi benedicti et præpositi generales ordinum religiosorum, [illegible] decisivo sunt adhibiti [illegible] tales [illegible] id factum est ut jurium facultatem et characterem non haberent [illegible]

[illegible]

[illegible] dogmatibus [illegible] Ecclesiasticis sententiam dicendi [illegible] quæ sanctorum episcoporum catholicorum [illegible]

[illegible]

Atque ita sensit maj[illegible] [illegible] [illegible]

[illegible]

4° [illegible] ad Concilium pro[illegible] [illegible]

[illegible] multi [illegible] [illegible]; sed sufficit ut convocatio sit Generalis [illegible]

[illegible]

[illegible]

qui adveniant, ita ut totum episcoporum collegium vere repraesentetur [illegible]

Ex quo sequitur posse interdum Concilia Nationalia esse multo majora Generalibus quoad numerum episcoporum, et tamen minora quoad auctoritatem.

Art. XLVII^um

De Conciliorum Generalium Celebratione

[illegible] Primo quidem cuinam Conciliis Generalibus praesidendi jus sit; secundo vero quaenam [illegible]

[illegible] id illud quod propositum est [illegible] dendi Conciliis Generalibus ad eum pertinere qui [illegible] mus in conventibus omnibus eum qui potestate majore [illegible] tum itaque Summus Pontifex propter Primatum [illegible] episcopis auctoritate antecellat, plane consequitur jus [illegible] [illegible] ad Primatem Ecclesiae pertinere. [illegible] ponendi ea de quibus in Concilio agendum [illegible]

[illegible]

[illegible] 1° ut sit Libertas in judiciis; acta enim [illegible] [illegible] in Concilium [illegible] in quo [illegible] a Dioscoro [illegible] minis et terroribus extorta est Synodus Praedatoria, Latrocinalis, et Latr[illegible] [illegible]

[illegible] sequentibus inducit S. Hieronymus adversus Luciferianos: „ Putavimus [illegible] [illegible] cum [illegible] nec in Ecclesia Dei ubi simplicitas, ubi pura confessio [illegible] malis aestimatio. 3° Sufficiens examen: sic enim legimus in Concilio Apostolorum.

[illegible]

A. XLVIII

Num Romani Pontificis definitio, si praecessit ipsum Concilium Generale, cogat Patres Concilii ita ut non possint ab ea dissentire.

Ad canonicam celebrationem diximus requiri libertatem ac judicium. Id autem non ita accipi volumus ut si Romani Pontificis definitio praecessit ipsum Concilium [illegible] liberum esse debeat Concilii Patribus ab ea dissentire. [illegible]

[illegible] Patres Concilii definit[illegible] epistolam Flaviani ad depositionem Nestorii devenisse [illegible] confirmat[illegible] Patres Concilii Chalcedonensis [illegible] Magnus [illegible]

requiratur cujusmodi sit fides tenenda, ut inquit in ep. ad Imperatorem Mar-
cianum; hanc enim fidem ipse definivit in Dogmatica ad S. Flavianum [illegible]
[illegible] eorum precibus et qualiter annuendum. Quum enim in 2a (Actione) agendum
esset de Fidei dogmate, petita a judicibus formula qua omnis circa fidem dubitatio
[illegible]
[illegible]
Concilii Patres statim eam nullo instituto examine [illegible]
Petro Apostolo edita fuisset. Anathema ei qui non ita credit. Petrus per Leonem ita
locutus est, [illegible] Patres [illegible] clamaverunt „Qui non consentit Epistolae
Sanctissimi Episcopi Leonis hæreticus est„. [illegible] ad novum examen
[illegible] fuit in Concilio, id factum non [illegible] ut nova
discussione dissentientes aut dubitantes ad unitatem debitam [illegible]

Atqui, inquies, si Patres in [illegible]
[illegible]
esse cuique esse nemo inficiari potest? Quid inde? Num judicii ratio in libertate dissen-
tiendi [illegible] ita ut cum obligatione consentiendi stare non possit? [illegible]
[illegible]
omnes in Sancti Petri sententiam transierunt etiamsi idem S. Petrus Spiritu
Sancto certissime assistente controversiam ante omnes definivisset, eaque utique sen-
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] in hac quaestion-
[illegible]
[illegible]
[illegible]
[illegible] nec sunt nec haberi queant.

[illegible]
cognitione sententiam pronunciat. Factum autem [illegible]

tiam post auditum Summi Pontificis judicium, cum habita sufficienti mate[illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

tur et judicatur; tametsi alio nomine, scilicet ob praerogativam Primatus atque ob

debitam fidei unitatem ad assensum cogat. Quod si expendamus accuratius quorum

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

mus utrum esse cognoscere num sententia aliqua conveniat necne cum Traditione Ecclesiae

[illegible] [illegible] [illegible] [illegible]

[illegible] sit. S. Irenaeus celebri textu alias prolato satis esse duxit ad veri-

tatem Catholicam discernendam et ad haeresim dijudicandam cognoscere Romanam Tra-

ditionem [illegible] [illegible] [illegible] Summorum Pontificum [illegible]

[illegible] [illegible] [illegible] [illegible]

tur ab iis qui sententiam de qua sit controversia, Catholicam si cum definitione Pon-

tificis [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

institutione pastorali die 20 Aprilis anni 1715: „Judicare post judicium Romani

[illegible] [illegible] [illegible]

[illegible] ipsorum Conciliorum Generalium decreta [illegible] submissio erat judicium et

[illegible] [illegible] [illegible]

[illegible] sincera.

N° IL

De Conciliorum Generalium Confirmatione

Legimus in decreto super unione Jacobitarum: Servavit autem Sancta Romana

[illegible] [illegible] [illegible]

confirmatas [illegible] congregatas et celebratas et etiam confirmatas [illegible] Concilia

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] decreta quae in Conciliis fuerunt Pontifex suo assensu accedit, eaque rata habet

[illegible] confirmavit.

Hanc quidem confirmationis necessitas [illegible] [illegible] [illegible]

[illegible]. Namque Generalia Concilia idcirco habentur non [illegible]

[illegible] quae ad Ecclesiae gubernationem spectant, sed praesertim ut de Fide [illegible]

[illegible] judicetur. Jam vero judicium episcoporum de Fide [illegible]

[illegible] tiamsi in Concilium convenerint non adeo ex plenitudine auctoritatis est [illegible] obsequium eis debeatur; ideoque licentius non erit qui illud in dubitationem vocet [illegible] ab eo discedat. quod super [illegible] Cajetanus, Turrecremata, Canus, aliique [illegible] consentiunt. Ut igitur hujusmodi [illegible] [illegible] consensu [illegible] confirmet.

[illegible] episcopi dum in Generale Concilium congregati sunt [illegible] quod Ecclesiam repraesentant quae est columna et firmamentum veritatis. [illegible] Christi una est sub uno visibili capite [illegible] membrorum cum capite [illegible] Antiochena Synodus [illegible],

[illegible] Tam vero Concilia Generalia hactenus [illegible] confirmationem [illegible] Pontificibus petierunt. Non id profecto egissent nisi necessarium [illegible] Patres Nicaenae Synodi in Ep. ad Silvestrum Papam,, Quidquid [illegible] consulimus, precamur ut vestri oris consortio confirmetur,, [illegible] Silvester [illegible] rescribens,, Confirmo [illegible], [illegible] ad doctrinam vestram relucentes de um[illegible] [illegible] Concilii Chalcedonensis [illegible] Mittimus, inquiunt, ad eorum quae a nobis gesta sunt firmitatem, [illegible] Orientisque acta Chalcedonensis Concilii [illegible] causam non [illegible] [illegible] confirmata non fuerant. Marcianus Imperator a Leone ipso [illegible] omnibus Ecclesiis et populis manifestum fiat in Sancta Synodo [illegible]

[illegible] Pontificibus reprobata fuissent [illegible].

N. L.

Decreta Dogmatica Concilii Oecumenici [illegible] irreformabilia sunt ex se, seu ante consensum et acceptationem Eccl[illegible] complectitur enunciata propositio, alteram adversus Protestantes, [illegible]

2?0

fallibile [illegible] Concilium [illegible] et [illegible] [illegible] in [illegible] dogmatibus, [illegible] [illegible] Concilium haec infallibilitate [illegible] pollent, [illegible] [illegible] Ecclesiae [illegible]

Probatur [illegible] primo [illegible] infallibilitate Ecclesiae [illegible] organum sunt, seu Ecclesia repraesentativa. [illegible] Ecclesia dispersa infallibilis est [illegible] infallibilitas, [illegible] [illegible] Ecclesia [illegible] Ecclesiae organa [illegible] sunt. 1° [illegible] eo quod Concilia legitime celebrata possunt ad instar primi Concilii Apostolici dicere: Visum est Spiritui Sancto et nobis. [illegible]

[illegible] infallibilia [illegible]

[illegible] definitionibus [illegible] Concilii [illegible] Ultimum [illegible] Divina [illegible] Spiritus Sancti [illegible] Evangelii venerari, [illegible] denique moriendum potius quam vel latum [illegible]

[illegible] quatuor Concilia [illegible] S. Gregorium [illegible] episcoporum [illegible] Concilii [illegible] S. Patres [illegible] Macedonianos [illegible] Concilia Plenaria [illegible] Provinciae [illegible] Concilia [illegible]

[illegible] celebratis [illegible] a quo [illegible] non fuit. Quapropter quæ addidimus luculenter [illegible] nullo non [illegible] infallibilia habita fuisse Concilia Œcumenica legitime celebrata.

Probatur vero altera pars 1° [illegible] sensu [illegible] pariter antiquitatis quæ [illegible] ulteriori expectato Ecclesiæ consensu [illegible] acceptationem, veluti [illegible] dogmaticis Conciliorum definitionibus [illegible]. 2° Ex [illegible] Concilia, [illegible] erant [illegible] [illegible] ad [illegible] Concilia [illegible] [illegible] [illegible] facto, [illegible] exploratum [illegible] Concilia tanquam infallibilia [illegible] Pontificibus, illa [illegible] ab hac [illegible] [illegible] non [illegible] nullo habito respectu ad ulteriorem Ecclesiæ approbationem [illegible] Pontificiam confirmationem. Ex qua postrema observatione [illegible] legitimum Concilium [illegible] infallibilem auctoritatem profitendam, post Pontificiam confirmationem [illegible] consensum Ecclesiæ ulteriorem cum hæc quatenus distinguitur a [illegible] pastorum [illegible] illius decretis dogmaticis assentiri, [illegible] fieri possit [illegible]

N° LI
Num canones disciplinares Concilii Generalis Rom.^m Pontificem obstringant

[illegible] in celebri declaratione anno 1682 emissa [illegible] numero tertiam propositionem addiderunt: „ Apostolicæ potestatis usus moderandus per canones est; valent etiam regulæ, mores, et instituta a regno et Ecclesia Gallicana recepta „. Quid de hac propositione sit sentiendum [illegible].

Quæritur ergo, utrum canones disciplinares Concilii Generalis Rom.^m Pon[illegible] [illegible] mo de canonibus disciplinæ quos [illegible] Concilia [illegible] instituta sua [illegible]

25[illegible]

[illegible] Episcoporum confirmatione carent.

[illegible] canonum Pontificem minime obligant. Undenam enim [illegible] auctoritas? Nonne ex consensu membrorum cum capite? [illegible] consensus [illegible] Pontificia confirmatione firmetur, patet [illegible] [illegible] perinde [illegible]. [illegible] ut ex demonstratis constat [illegible] [illegible] etiam in Generali Synodo collectos? Quomodo ergo canones [illegible] dictum Pontificem [illegible] etiam invitum? Quare canon 28[illegible] Chalcedonensis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible] [illegible] caruit assensu. S. Leo quidem [illegible] canonem non obligare credidit [illegible] repugnavit acerrime. Neque dicas eumdem canonem [illegible] [illegible] [illegible] [illegible] [illegible] sed facto obtinuit et [illegible] [illegible] non [illegible] [illegible] Occidentales [illegible] Orientales [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

b [illegible] sermo sit de canonibus a Rom. Pontifice approbatis [illegible] distinctione opus est: vel enim quaestio est de obligatione ex humano proveniente, vel de obligatione ex altiori jure. Si de priore fit sermo, certum [illegible] Romanum Pontificem canonibus disciplinaribus non teneri obligatione proveniente ex humano jure, [illegible]. [illegible] enim in statuendis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontifici [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Patrum Concilii, [illegible] collective accipiantur [illegible] subditi et inferiores sint Summo Pontifici nullam in ipsum superiorem [illegible] [illegible] [illegible] [illegible]

Restat ergo ut obligatio [illegible] Romani Pontificis canonibus [illegible] [illegible]

[illegible] [illegible] [illegible], non jure humano [illegible] [illegible] sed vi directiva, [illegible] id est altiori jure naturali et divino, quod exigit ut iis quae bono publico sunt constituta superior praecedat exemplo, ne aliis aperiat viam legum violandarum, quod in magnum scandalum adverteret.

Ex qua doctrina sequitur recta a Romanis Pontificibus contra [illegible] [illegible] disciplinares [illegible] [illegible] [illegible] [illegible] [illegible] illi [illegible] [illegible] legitima causa.

N.° LII^us D

Jus Romani Pontificis Religionem Christianam propagandi ope Missionis

Omnes fideles habent jus et munus pro suo statu et [illegible] [illegible] Regni Dei dilatationem [illegible] [illegible] autem multo magis [illegible] Pontifici [illegible] [illegible] qui altior est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Christi [illegible] [illegible] [illegible] [illegible] non agnoverunt Romanum Pontificem [illegible] tempore [illegible] [illegible] [illegible] Multi [illegible] Anglia Germania [illegible] [illegible] [illegible] et plures [illegible] [illegible] et Africae magna pars [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Missiones et Vicarios Apostolicos a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] providetur saltem ex parte [illegible] [illegible] [illegible] cum tamen illi [illegible] tenentes fidem amplecti, qui adgentes [illegible] [illegible] diligentissime edocentur mores, litteras, linguas [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] praedicare [illegible] [illegible] [illegible] [illegible] fidei [illegible] [illegible] in ipso Collegio typographia [illegible] [illegible] [illegible] [illegible] [illegible] Catechismi [illegible] Catholicae doctrinae [illegible] [illegible] [illegible] ad Missionariorum usum mittuntur.

Articulus II

De Juribus Ministerii.

A. LIII

Jura Ministerii recensentur

[illegible] ... impedit mansura fidei manifestatio. Sub duplici hoc aspectu [illegible] ... [illegible] ... Scriptura, Traditio, et fidelium utilitas: organa quibus antiquitus [illegible] fuerunt Episcopi, Metropolitae et Concilia; praecipue [illegible] Pontifex [illegible] ... Pontifici [illegible] ... integritati [illegible] ... [illegible] ... beatorum Canonizationem, 3° Dies festos et jejunia 4° Commendationem [illegible] ... 6 [illegible] ... nonnullis hic agemus quae praecipue a Protestantibus in controversiam add. [illegible] ... fusior alibi sermo occurrit.

A. LIV

(A)

Jus Romani Pontificis circa Beatificationem et Sanctificationem.

Duplex ratio est sacro et publico cultu [illegible] ... [illegible] ... Beatificatio, altera Canonizatio appellari consuevit. Tum vero, ex veteribus monumentis concludi posse videtur, inquit Benedictus XIV (De Serv. Dei, Beat. l. I, c. 9) episcopos jure suo in suis dioecesibus cultum publicum aliquando [illegible] ... [illegible] ... nonnullis particularis dici [illegible] canonizatio, sed ab aliis melius Beatificatio [illegible] ... [illegible]

[illegible] sanctificationis et plurimum sit ut cultus in eo permissus
[illegible]
„posse videatur cultum ab uno episcopo in sua dioecesi statutum accedente aliorum
„episcoporum [illegible] universalis Ecclesiae approbatione una cum assensu expresso
[illegible] Summi Pontificis ad canonizationis terminos pervenisse. Equidem [illegible]
[illegible]
colendum esse, nunquam nisi auctoritate Romani Pontificis fieri potuisse. Gon-
zalez in cap. Audivimus De Rel. et Ven. Sanct. sic probat: „Cum Sanctus [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et per consequens ejus cognitio ad Pontificem spectat [illegible]
[illegible] Majoris [illegible]
[illegible]
[illegible] canonizatio [illegible]
[illegible] ad eundem titulum Decretalium. Ex quo, inquit, infertur quod
„ [illegible] non possint canonizare aliquem etiam pro suis dioecesibus tantum, nec
„ nec Legatus a Latere, nequidem ex speciali commissione Summi Pontificis,
„ quia id nequit non potest delegare alteri ex fide „. Atque hae rationes ostendunt
[illegible] Pontifici [illegible] multo plures Canonizationum [illegible]
reservare. Quod pariter dicendum de Beatificatione, tum ne propter multa-
rum causarum simplicitatem populum decipi contingeret, tum ne in infinitum
Beati multiplicarentur, et sic devotio minueretur et sanctitas vilesceret, [illegible]
et Glossa (cap. [illegible] De Rel. et Ven. Sanct. in 6°), tum denique [illegible]
[illegible].

[illegible] ad summum Pontificem [illegible]
Beatorum et Sanctorum numerum referre, ut id interdictum sit Patriarchis
[illegible] Alexandro III [illegible]
Cardinalium Collegio [illegible] Sede Apostolica vacante. Huc spectat Decretale Ale-
xandri III Cap. Audivimus De Rel. et Ven. Sanctor. Cum enim [illegible]
[illegible]

[illegible] Galliam [illegible] epistolam [illegible] Romanum [illegible] [illegible] [illegible] tabulis [illegible] martyris obtinuisse, edita fuit a Pontifice Epistola in qua haec legenda: [illegible] quidam inter vos diabolica fraude decepti hominem quemdam [illegible] hominem [illegible] per eum miracula [illegible] venerari vobis pro Sancto absque auctoritate Romanae Ecclesiae eum publice [illegible] de novo inventas nemo publice venerari praesumat nisi prius auctoritate [illegible] Pontifices fuerint approbatae. Ex quibus canonistae unanimiter [illegible] canonizandi unicae Apostolicae Sedis peculiare et proprium [illegible] Pontificum [illegible] [illegible] [illegible] ordine cultum [illegible] Sed Urbanus VIII [illegible] planè apostolicae Romanae Sedi [illegible]

LV

Haereticorum et Sectariorum dicteriis satisfit.

[illegible] contra Sanctorum Canonizationem movent [illegible] partim [illegible] canonizandi partim Pontificum [illegible] [illegible] XIV adversus Catholicam Ecclesiam [illegible] [illegible] eidem communes omnino [illegible] seducunt [illegible] Catholicos omnes agnoscere essentiale Beatorum gaudium [illegible] [illegible] augeri non posse, sed solum accidentale [illegible] [illegible] bono [illegible] omnibus [illegible] in Dei honorem [illegible] [illegible] eorum gloria gradus [illegible] [illegible]

Pontifices nihil [illegible] quam declarare hos et illos Dei servos virtutibus, in [illegible] miraculis [illegible] mundo [illegible] in [illegible] [illegible] clamarent [illegible] merito [illegible] [illegible] argumentis [illegible] non [illegible] debitum et rigorosum procedat examen, et hunc [illegible] clamando Papam [illegible] divinam potestatem nemo [illegible] dicta [illegible] non [illegible] [illegible] judicium [illegible] attendat [illegible] hominibus [illegible] Pontificum [illegible] in canonizatione [illegible] non in aliis virtutibus [illegible] sed in miraculis quoque [illegible] ad [illegible] Dei [illegible] sanctitatis [illegible] manifesta in lucem ponatur.

[illegible] Pontificum [illegible] vitam [illegible] quam canonizatio requirit, assumere. [illegible] melius sciri non posse quam ab episcopo, clero et [illegible] [illegible]

[illegible] ex regione ipsa ubi quis [illegible] relationes [illegible] testimonia enim [illegible] in instantia [illegible] et illud attendendum est [illegible] magis expediens [illegible] si in regione [illegible] ipsa [illegible] relinquatur. — Quod vero secundam [illegible] attinet, respondet Benedictus XIV [illegible] necessarias profecto esse [illegible]

[illegible] Romanos Pon[illegible] [illegible] indubie; atque adeo non esse eadem ita amplas [illegible] [illegible] Romanae [illegible] [illegible] nonnullis [illegible] fuisse [illegible]

A. LVI

Quo organo utatur Pontifex in Beatificatione et Canonizatione

[illegible] Sanctorum Canonizatione [illegible] Pontifices [illegible] [illegible] [illegible] illud [illegible] videtur; ut animadvertit Benedictus XIV plures Canonizationes illis iisdem [illegible] in [illegible] Generalibus factae sunt extra Concilium peractas fuisse; et eosdem Pontifices in Concilii Generalis [illegible] pro faciendis Canonizationibus [illegible] Canonizationes extra Concilium fecisse; [illegible] Summi Pontificis [illegible] extra Concilium [illegible] [illegible] adesse dubitatio; et eo magis [illegible] antiquissimo tempore [illegible] Beatificationes [illegible] Canonizationi [illegible] per expressam Summi Pontificis approbationem vel [illegible] extra Concilium Ecclesiae consensum [illegible] tacita Summi Pontificis approbatio continebatur.

[illegible] Temporibus [illegible] Summi Pontifices [illegible] peculiaris Congregationis. [illegible] Sixti V [illegible] Congregatio [illegible] [illegible] Canonizationem Sanctorum [illegible] [illegible] Curiae Romanae Congregatio super Canonizatione Sanctorum [illegible] Beatificatione non multum ab hac diversa est [illegible] Cardinali[illegible] extraordinariam vocat [illegible] Cardinales et prelatos ad [illegible] [illegible] extra ordinem adjunguntur alii prelati, [illegible] Promotor Fidei, tres seniores auditores Rotae, qui [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible], vel respectu [illegible] [illegible] dicendum [illegible] [illegible] [illegible] [illegible] Medici et Philosophi [illegible] ipsi professores [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] supernaturales, an vero proveniunt quantum [illegible] [illegible] [illegible]

N. LVII.

Num Ecclesia sit Infallibilis in Canonizatione.

[illegible] Beatificationem a Canonizatione propria [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] infallibilem [illegible] [illegible] [illegible] sententia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omnes [illegible] [illegible] per Ecclesiam Canonizati sint in gloria, vel aliqui eorum in inferno? [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in his [illegible] fidem pertinent [illegible] [illegible] [illegible]. In aliis vero [illegible] [illegible] [illegible] particularem [illegible] [illegible] [illegible] cum agitur de possessionibus vel de criminibus vel de [illegible] possibile [illegible] [illegible] [illegible] propter falsos testes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]: quia tamen honor quem Sanctis exhibemus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] etiam in his [illegible] Ecclesiæ errare possit". In responsio [illegible] [illegible] [illegible] Summus Pontifex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] "Divina Providentia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] testimonium hominum fallatur". Cum ergo in his [illegible] [illegible] [illegible] [illegible] [illegible] spectat ad Divinam Providentiam [illegible] [illegible] [illegible] [illegible] quem [illegible] falli aut fallere non potest [illegible] [illegible] [illegible] [illegible] Ecclesiam [illegible] [illegible] infallibilem in Canonizatione [illegible] [illegible] [illegible] [illegible] infallibiles in communi doctrina [illegible]. [illegible] Canonizatio Sanctorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] aliquem [illegible] fideles ut eum habeant pro Sancto, [illegible] proponit ad colendum et imitandum; quod quidem mores [illegible] [illegible]

[illegible] Sancta. Atqui si proponere[illegible] colendum [illegible] [illegible] [illegible] talem haberent fideles id [illegible] derogaret Sanctitati Ecclesiae. — Demum si talis [illegible] in Canonizatione Sanctorum id cederet in gravem [illegible] et inhonorationem; cum enim viderent daemones [illegible] [illegible] damnationis socius habent a fidelibus coli et honorari tanquam [illegible] [illegible] et gloriae consortes. Quod quidem [illegible] daemoni [illegible] certitudine, etiam de Beatificatione.

Contra hucusque demonstrata objici solent tanquam ab Augustino dicta verba sequentia: „Multorum corpora honorantur in terra quorum animae [illegible] in gehenna. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] praejudicant sed possunt commode explicari de beatificatione vel etiam de cultu civili ut de magnificis sepulcris [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] quod verba [illegible] citata [illegible] ex Augustino [illegible] [illegible], in eo non reperiuntur.

[illegible] tamen retinendum est, quod [illegible] non sit Ecclesiam esse infallibilem in canonizatione Sanctorum, qui negaret aliquem ab Ecclesia canonizatum esse Sanctum et in gloria, non esse haereticum illum ... 1° Temerarius, quia contradicit communi Ecclesiae sensui [illegible] fundatissimae et aliqui opposita non habet fundamentum. Insolentissimus et insanus, inquit Augustinus Ep. 118 disputare an sit faciendum quod tota Ecclesia facit. 2° Esset scandalosus, quia retraheret fideles a cultu Sanctorum. 3° Impius quia faceret injuriam Ecclesiae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

B)

Romani Pontificis jus casus sibi reservandi

[illegible] Romano Pontifici ius competere casus sibi reservandi adeo certum est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

„ Magnopere vero ad Christiani populi disciplinam pertinere [illegible]
„ Patribus nostris visum est, ut atrociora quaedam et graviora crimina non
„ a quibusvis sed a Summis duntaxat Sacerdotibus absolverentur. Unde merito
„ Pontifices maximi pro suprema potestate sibi in Ecclesia universa tradita,
„ causas aliquas criminum graviores suo potuerunt peculiari judicio reser-
„ vare „. Verum quidem est ante saeculum XI^um vix ullum reperiri Pon-
tificiae reservationis exemplum. Illud quoque certum esse videtur reservatio-
nem [illegible] remissionem [illegible]
tione ad Apostolicam Sedem ut peccantes hoc freno coercerent. Sed [illegible]
[illegible] particularium reservationum [illegible]
[illegible]
[illegible] Quis ergo [illegible] non [illegible]
[illegible] omnia [illegible]
[illegible] morbi crevere. Utinam et graviora crimina non increbuissent! [illegible]
[illegible] plus more [illegible]

Quae exceptiones, sublato Tridentinum illud decretum extenuare vi-
sa est. Libri maxime sunt illi ... [illegible] peccatorum
[illegible]
[illegible] episcoporum
[illegible] perinde ac si illi proprium jus in Pontificem transtulerunt. Num
[illegible] episcoporum observantia quae initio particulares casus, [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Nam S. Petrus qui omnia solvere et ligare
poterat ex institutione ipsius Christi, non [illegible]
[illegible]
[illegible]
[illegible] Tridentinum [illegible] non in delegatio-
nem episcoporum sed in supremam potestatem Summi Pontificis in Eccle-
sia [illegible]
[illegible] pseudo-isidoriana [illegible] principio quo Papa

[illegible] Ordinarius Ordinariorum. [illegible] praestantissimum [illegible] ex pseudo-Isidori collectione [illegible] ignorantia veri juris deceptum [illegible] multa ab eodem [illegible] dicta ex praejudicio falsi systhematis de collectione Isidoriana quod alibi expendimus, nemo mirabitur [illegible] principium quo Papa Ordinarius Ordinariorum [illegible] Primatu

1° LIX

C)

Jus indulgentias concedendi

[illegible] indulgentias concedendi. [illegible] militanti Ecclesiae acquisivit [illegible] quem [illegible] [illegible] [illegible] pro totali nunc pro partiali remissione poenae temporalis pro [illegible]

[illegible] Episcopi possunt indulg[illegible] potestas data est, cum tamen solus Romanus Pontifex plena gaudeat [illegible] Pontifici subordinata, potest potestatem faciendi indulgentias, ut [illegible] in Papa [illegible] Papae [illegible] promulgavit ab omnibus Catholicis profitendas dicit: 1° Papam concedere posse indulgentias omnibus Christianis, 2° Episcopos [illegible] potestate Papae, quibus articulis [illegible] plane sententia Eybel qui in potestate concedendi indulgentias

prius cum Pontifice; ecclesia vero in Generali Concilio Lat. [illegible] congregata suum hac de re sensum satis aperte declaravit: nam ad quosdam determinatos dies restringit et limitat in episcopis indulgentias concedendi facultatem, non ita vero quoad Pontificem in cujus potestate plenitudinem agnoscit.

Articulus III

De Juribus Regiminis

A. LX

Regiminis jura in plures classes dispertiuntur

Cum Summo Pontifici in Beato Petro pascendi, regendi ac gubernandi universalem ecclesiam a Domino nostro Jesu Christo plena potestas tradita sit (Concil. Flor.) [illegible] ad Communionem [illegible] ad Regimen [illegible] ad Bona Ecclesiastica, 4° ad Judicia [illegible]

A. LXI

Jura relata ad Communionem Ecclesiasticam

Communio [illegible] bus omnes simul colligantur et ejusdem Ecclesiae membra [illegible] unitas manifestatur [illegible] Pontifex vero [illegible] est praecipue [illegible] Pontifici competere. — a) Jus et munus servandi [illegible] et exigendi hanc Communionem. — Omnes episcopi debent cum Pontifice communicare [illegible] eandem cum ipso fidem profitentes eidemque [illegible] tiam praestantes; ipse vero cum eis communicat et per eos cum singulis fidelibus. Pontifex est igitur hujus universalis communionis et ecclesiastic[illegible]

Unitatis centrum. [illegible]
[illegible] Ecclesia [illegible]
[illegible]
Ecclesiam pertinere [illegible]. Hinc inter [illegible]
[illegible] clamite: si quis cathedrae Petri jungitur meus est [illegible]
[illegible] Damasum Ep. 16. — Externa hujus communionis signa olim erant
litterae formatae et nominum inscriptio in dypticis, nunc [illegible] juramentum
obedientiae quod a saeculo saltem VIII in [illegible] consecratione praelati [illegible]
[illegible] majores epistolae, relationes et publicae preces. [illegible] eodem principio
[illegible] Pontifici competere — b) Jus Communione Ecclesiastica privandi eos [illegible]
[illegible] doctrinae fidei [illegible]
pastoribus obedientiam detrectant, seu eos excommunicandi. Hoc jus non ex
[illegible]
[illegible]
[illegible]
[illegible] igitur dum Petro
[illegible] Tibi dabo claves Regni coelorum [illegible] quodcumque solveris super
terram erit solutum et in coelis [illegible] super terram erit liga-
[illegible] Universali [illegible]
[illegible]
[illegible] necessitate [illegible]
[illegible] non [illegible]
[illegible] ipso [illegible] saeculo hoc jus sibi [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Christo in Ecclesia sua [illegible]
[illegible] Romana Ecclesia (Quod Bonifacius I[illegible] aiebat) Ecclesiis toto orbe
[illegible]
[illegible] Religioni [illegible]
[illegible]

fieri non potest ut quis ab Ecclesia Romana abscindatur, nec tamen fiat Christianae Religionis extorris. Quis autem non videt [illegible] omnino [illegible]

[illegible] Romanae [illegible] Romanae Ecclesiae [illegible] Pontificis [illegible] ab Ecclesia probarentur? [illegible] quid Ecclesiae nomine intelligat [illegible]? Si coetum omnium fidelium [illegible] communionem [illegible] Concilium [illegible] Ecclesiae [illegible] Tribunal non omnino certum et ultimum adeo appellari non [illegible] indubitatum ultimum [illegible] non [illegible] excommunicationis [illegible] effugere minime poterit. Qui autem in Concilium [illegible] excommunicationem [illegible] Concilium [illegible] Summi Pontificis sententiae judicium [illegible] disciplinam [illegible] non intelligit? Quid demum si ab Ecclesiae approbatione censuras immediate contendas, magis ridiculum [illegible], ab Innocentio I [illegible] Leonis M. [illegible] communionem fidelium [illegible]; [illegible] verum [illegible] communionem [illegible] esse contendunt, qui [illegible] disciplinae? [illegible] nihil [illegible] legitime excommunicatos habere. — [illegible] excommunicationis [illegible] [illegible] Mauro Capellari, Trionfo della S. Sede, 7. 5.

" Che [illegible] comunicare [illegible]
" [illegible] tra Cattolici ... Che per [illegible] egli [illegible]
il Papa [illegible] soggetto [illegible] [illegible] che [illegible]
[illegible] di eguale efficacia con quella della [illegible]
" [illegible] tutta sovvertire l'Ecclesia
" [illegible] Gerarchia; ecco l'essenzial differenza fra gli [illegible]

[illegible] ... comunica [illegible] tti [illegible] notano tutti [illegible] Il Papa per [illegible] ... per un [illegible] di fede dichiarando eretico chi lo differ [illegible] ... non è eretico anche il Vescovo ma soltanto [illegible] ... punto predefinito e condannato in [illegible] della Chiesa: [illegible] ... il Papa scomunica per un articolo che definisce, e nell'altro [illegible] ~~scomunicare~~ fulminare l'anatema condanna come eretico [illegible] non aderisce alla definizione. La seconda definizione differenza tra il V. con il Papa è che il primo non impone alcun obbligo agli altri [illegible] ... mentre il secondo a tutti indistintamente. [illegible] comanda di [illegible] ... una scomunica.

A.° LIIX

2)

[illegible]

Jura relate ad disciplinam

Cum Romanus Pontifex ex sui Primatus universalis Ecclesiae bono utilitatique prospicere debeat, eumque ejus auctoritas omnes complectatur Christi fideles etiam episcopos necessario ipsi tribuendum est —

a) Jus leges universales condendi. Jam vero [illegible] ... interdum ut legem naturalem aut positivam divinam obligatae quoad tempus et modum determinentur; ut actiones quae ad [illegible] ... observationem pro rerum adjunctis plurimum conferunt, et conventia impediunt, lege speciali praecipiantur vel prohibeantur, ut [illegible] consuetudines aut [illegible] ... aliquando [illegible] leges universali firmentur. [illegible] ... id per [illegible] nisi Romano Pontifici [illegible] ... in orbe universo nullus monarca occurrit jurisdictione [illegible] ... [illegible] ... episcopi [illegible] jus habent legum in suis dioecesibus condendarum; cur ergo idem [illegible] ... Romano Pontifici [illegible] ... Christianum [illegible] ... Quodcumque ligaveris super terram etc. [illegible] nomine Romanus Pontifex est successor Petri

cui [illegible] Primati Christus dixit: „Quodcumque ligaveris super terram etc.“ [illegible] promissio facta [illegible] [illegible] contribuatur [illegible] in promissis Petro factis [illegible] [illegible] [illegible] non posse [illegible] [illegible] [illegible] potestatem [illegible] [illegible] [illegible] Romani Pontifices. [illegible] Siricius [illegible] ad Himmerium [illegible] [illegible] diaconos [illegible] [illegible] publicae poenitentiae subjectos ordinari vetat: Innocentius [illegible] [illegible] Carthaginensem [illegible] prohibet [illegible] omnes clericos celerius per Ordinum gradus ascendere constituta poena vetat: Simplicius [illegible] bonorum Ecclesiasticorum in quatuor partes divisionem [illegible] saltem urget, et alia innumera exempla praeteream — [illegible] [illegible] leges condere posse quando Concilii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] more suo; Ecclesia [illegible] [illegible] [illegible] [illegible] [illegible] potestas [illegible] [illegible] dependent [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] Legum Ecclesiasticarum observationem, [illegible] [illegible] in [illegible] auctoritati Romani Pontificis, cum Canalia [illegible] [illegible] Pontifex ad hunc finem adhibere [illegible] [illegible]

3 1

[illegible] — Quae sola admonitionis auctoritate [illegible] exigimus [illegible] veritatem con[illegible] in [illegible] medicamus.

[illegible] canonum condendorum respondet — c) Jus canonum [illegible] [illegible]

[illegible] Cujus est legem condere quas etiam [illegible]

[illegible] Ecclesiasticis legibus et canonibus [illegible] Conciliorum [illegible]

[illegible] potestate [illegible] qui omnem jurisdictionem Ecclesiasticam seu plenitudinem potestatis [illegible] pro Christo accepit. Ad hoc jus comprobandum potest argumentum etiam duci ab ipsa [illegible]

[illegible] Enimvero ad spiritualem fidelium gubernationem [illegible] Ecclesiastici regiminis rationem pertinet ut in Ecclesia [illegible] habeat legi[illegible]

[illegible]

[illegible] Synodo VIII [illegible] sed a Romano Pontifice [illegible] de Photiano Schis[mate] [illegible]

[illegible] Concilium autem [illegible]

[illegible]

[illegible] quae possit atque [illegible] Summi Principis [illegible]

[illegible]

[illegible] multitudini advertantur, atque abusus qui interdum forsitan [illegible] in primis Ecclesiae temporibus [illegible] erant hujusmodi dispensationes.

[illegible] XI frequentissime fuerunt [illegible] temporum [illegible] tendum [illegible] remotiora ab Ecclesia Cathedrali [illegible] contulerunt [illegible] pudeant [illegible] ut medendi [illegible] dispensationum [illegible] effecerunt [illegible] crebrarum dispensationum [illegible] unam Christianam [illegible] procurandis [illegible] dispensationibus [illegible] morborum varietate remedia etiam [illegible] diversa dicenda est medendi ratio. Qui vero casus amplificant attendant [illegible] S. Gregorii verba l. 5 Moralium in Job. C. 5. N. 24. „ Saepe quia [illegible] non [illegible] Majoribus displicent vel facta vel dicta meliorum: [illegible] praetendenda sunt [illegible] dispensatione agitur quia minoribus error [illegible] Saepe multa [illegible] ut infirmi [illegible] non videat [illegible] potestatem [illegible] ordinem [illegible]

[illegible] ordinaria potestate dispensandi qua [illegible] — d) Jus etiam alios ad dispensandum subdelegandi [illegible]

[illegible] — e) Jus Privilegia communicandi [illegible] privilegiati [illegible] ecclesiae uti possunt dummodo [illegible] non sit vel sit [illegible]. [illegible] privilegia vero connumerantur etiam exemptiones [illegible] potestatis [illegible]

[illegible] f) Jus [illegible] data cum principibus mundi qui magnam fere semper [illegible] tem respiciunt et universalis [illegible]

N.° LXIII.

3)

Iura relate ad Inspectionem

Cum unitas [illegible] [illegible] [illegible] communem [illegible] [illegible] ac [illegible] capitum disciplinæ consentit, consequens est, ut hæc [illegible] [illegible] Romani Pontificis [illegible] et auctoritate debeant [illegible] [illegible] Unitas in constituendam et [illegible] [illegible] Domino instituta est. [illegible] cum Rom. Pontifex nec ubique ipse nec [illegible] [illegible] [illegible] [illegible] nisi relationum ope, ultro fluit — a) Ius petendarum accipiendarumque relationum majorum causarum [illegible] singulis Ecclesiis [illegible] incideret. Ius hoc Romani Pontificis non modo singuli quique Ecclesiarum rectores et pastores verum etiam peculiares Ecclesiarum [illegible] [illegible] agnoverunt. Hujusmodi relationum exempla sunt Corinthiorum [illegible] [illegible] [illegible] dissensionibus ad Clementem I, S. Cypriani in controversia de reconciliandis lapsis ad Cornelium [illegible] Alexandrum in [illegible] [illegible] ad [illegible] [illegible] [illegible] Ecclesiarum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hujusmodi res Sanctitati tuæ communicentur. [illegible] Concilium [illegible] [illegible] in ep.ª ad Iulium Pontificem ita scribit. Optimum et valde congruentissimum judicabitur si ad caput id est, ad Petri Sedem de [illegible] [illegible] [illegible] [illegible] Sacerdotes. [illegible] [illegible] [illegible] ad [illegible] Pontificem: „ Et hæc vobis magis in more positum ut in omnibus [illegible] [illegible] studiaque vestra Ecclesiarum firmamenta constituatis? Quia vero necesse est ut omnia quæ consecuta [illegible] Sanctitati tuæ significentur non potuimus non scribere. [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]. „ Si majores causæ in medium fuerint devolutæ ad Apostolicam Sedem, sicut Synodus statuit et vetus consuetudo exigit, referantur „. Ex quibus omnibus [illegible] quantum a veritate aberren [illegible] [illegible] [illegible] [illegible] collectione ad Romanos Pontifices [illegible] [illegible] [illegible] [illegible] relationes [illegible] [illegible] [illegible]

personę meritum sed propter Sedis Romanę auctoritatem esse factas [illegible] ex [illegible] [illegible] ad ea respondit [illegible] [illegible] perinquae adjunxit salutem. Quare igitur [illegible] [illegible] quae multa certamina, aut de Religione aut de quolibet negotio [illegible] ibi proxima magnitudine terminari non possunt [illegible] talia [illegible] indagine diligenti ratione discussa, rationis ad nos seriem destinantes, Apostolicae sedis [illegible] [illegible] [illegible] [illegible] [illegible] quae in [illegible] mediocris [illegible] quaestio cognoscitur vel huc ad Apostolicam Sedem si ardua est deducatur quatenus nostra audientia sententia decidatur.

[illegible] eadem ratione competit etiam [illegible] [illegible] [illegible] [illegible] tendi legatos. [illegible] [illegible] [illegible] extraordinarii sunt alii Ordinarii. Extraordinarii mittuntur ad peculiare negotium expediendum [illegible] [illegible] [illegible] negotio expedito. Ita Romanus Pontifex S. Augustinum in Caesareensem Mauritaniam [illegible] legavit: Sic Pontifices ad cogenda Generalia Concilia [illegible] [illegible] legatos saepe miserunt. Ordinarii sunt qui non alicui peculiari negotio addicti sed ad quae [illegible] [illegible] [illegible] cas mittuntur [illegible] proinde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] expedirent [illegible] responsa [illegible] mandata [illegible] [illegible] quibus missi fuerunt. [illegible] [illegible] [illegible] [illegible] [illegible] ab [illegible] Constantini [illegible] [illegible] perspicuum est [illegible] [illegible] pace [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontifices [illegible] [illegible] Apostolicae [illegible] [illegible] [illegible] Vicarii [illegible] in Illyrico [illegible] in Gallia [illegible] [illegible] Vicariatu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Legati Nati qui Ecclesiarum suarum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] eorumdem [illegible] decoraret: inde [illegible] Generali tandem concessione aut consuetudine quadam [illegible] Apostolica [illegible] ad hunc eumdem [illegible] atque [illegible] non amplius [illegible] dignitas sed realis [illegible] quidem [illegible] [illegible] privilegio [illegible] in Germania [illegible] in Gallia, Pisana in Italia [illegible] in Hispania [illegible]; [illegible] Legati Nati [illegible] Primates [illegible] primarum honoris [illegible] locum inter episcopos [illegible] legatio [illegible] hujusmodi Legatis [illegible] Primatibus [illegible] titulus [illegible] relictum est. Nunc itaque soli Legati Missi [illegible] Cardinales a Latere Pontificis missi et Nuntii [illegible] nationes [illegible] legatorum munere funguntur. — Jam vero quod ad nostrum institutum pertinet [illegible] Romanis Pontificibus jus esse [illegible] hos Legatos [illegible] in [illegible] provincias mittendi [illegible] Summus [illegible] Ecclesiae [illegible] constitutus cavere debeat ne ulla [illegible] aliquo [illegible] aut schismaticum labe, aliquave corruptione [illegible] omnibus adesse nequeat: opus est [illegible] provinciis has suas partes explicandi [illegible] sibi [illegible] cura commissa ac mandata [illegible] Pontifex [illegible] in ipsa [illegible] ad partes [illegible] Legatis [illegible] prohibeant [illegible] in salutem animarum necessarias [illegible]

4)

Jura relata ad Hierarchiam

[illegible] in omni Societate rite constituta jus ad munus eligendi consiliarios suos ad magistratus constituendos qui Provincias administrent eis inv[illegible] gitanti eorumque [illegible] [illegible] [illegible] [illegible] communia agenda [illegible] vanas, ad eum pertineat qui Universae Communitati praeest; hoc sane jus denegari non poterit Romano Pontifici qui divina ordinatione [illegible] [illegible] Jurisdictionis in Universam Ecclesiam [illegible], ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] muneris sui officia [illegible] idoneos pastores [illegible] [illegible] Ecclesiam [illegible]. [illegible] Romanus Pontifex habet:

– a) Jus creandi Cardinales, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dignitati [illegible] [illegible] acceptandi.

– b) Instituendi, Confirmandi et Consecrandi Episcopos et Archiepiscopos. [illegible] [illegible] [illegible] [illegible] definitio Tridentina [illegible] [illegible] [illegible] Si quis dixerit episcopos qui auctoritate Romani Pontificis assumuntur non esse legitimos et veros episcopos, sed figmentum humanum, anathema sit, [illegible] dogmatica definitione intelligimus [illegible] [illegible] esse [illegible] Pontifici [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], creandi ubique episcopos qui legitimi [illegible] episcopi [illegible] [illegible] habeantur omnino [illegible]. Varia quidem fuit in Episcoporum electione Ecclesiae di[illegible] [illegible] [illegible] [illegible] [illegible] fiebant electiones, [illegible] Metropolitani Episcopos comprovinciales, populum et clerum vacantis Ecclesiae [illegible] [illegible] [illegible] [illegible], [illegible] consultorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] populus exclusus fuit; ac tandem ad solos [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] disciplinae [illegible] [illegible] [illegible] [illegible] divino [illegible] [illegible] immutabilis est, sed humano tantum [illegible] Metropolitis [illegible] [illegible] [illegible] [illegible] electiones; subjicit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] consensu [illegible] [illegible] Apostolicae, [illegible] plenitudo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] longinquitate [illegible] [illegible] [illegible]

[illegible] in alia [illegible], utcunque satis commode, videri non potuit, id [illegible] Metropolitanos [illegible] Cathedralia Capitula [illegible] [illegible] [illegible]. Atque hinc sequitur, quod Summus Pontifex [illegible] electionum [illegible] in juramento sibi reservare potuisset, quod et fecerunt. Cum enim quam [illegible] multa ex ambitione [illegible] [illegible] [illegible] ex populi factionibus orirentur, Clemens IV[us] sibi reservavit episcopatus Cathedrales Ecclesias quae apud Romanam Curiam vacare contigisset. Deinde vero subsequentes Pontifices [illegible] reservationes induxerunt, donec prodiit amplissima generalis reservatio quoad omnes [illegible] Ecclesias intra et extra Romanam Curiam vacantes. At [illegible] disciplina etiamnunc viget salvis modificationibus inductis per Concordata, quibus vel Capitulis vel principibus aut Electionis vel Nominationis vel Praesentationis vel [illegible] [illegible] Summo Pontifici [illegible]. [illegible] [illegible] jus Electionis alias indulserunt, justamen [illegible] omnino sibi reservarunt et merito [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] legitime [illegible] [illegible] [illegible] [illegible] de eorum idoneitate et legitima promotione certum testimonium prius habeatur; ad quem jus illud magis et originarie spectabat quam ad eum cui jure non Ecclesiastico sed divino incumbit [illegible] [illegible] universalis Ecclesiae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]? Igitur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et merito inter causas majores adjudicatur. At objiciunt [illegible]

[illegible]

Synodus Baruncalis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] translationes esse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] privari [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] a Metropolitis vel Conciliis Provincialibus plerumque fuisse confirmatas, sed verum pariter est Romanos Pontifices pluribus in casibus independenter ab illis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Metropolitis, Metropolitis et Patriarchis [illegible] [illegible], et Patriarcharum [illegible] [illegible] Romano Pontifici [illegible] [illegible] vel [illegible] potest [illegible] Patriarchis [illegible] [illegible] [illegible] Patriarchalium [illegible], [illegible] [illegible] [illegible] [illegible] deberent [illegible] [illegible] [illegible] [illegible] Romani [illegible] communicare [illegible] [illegible] [illegible] adulterium [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] Romani Pontifices [illegible] [illegible] [illegible] Alex. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per totum Occidentem [illegible] [illegible] [illegible] [illegible] [illegible] episcoporum [illegible] [illegible] episcoporum electionem [illegible] vel etiam ordinationem 1° cum [illegible] Metropolitanus erat [illegible] contra [illegible] canones 2° cum [illegible] [illegible] [illegible] [illegible] [illegible] ab Pontifice [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dispensare potest 3° cum Metropolitanus officio suo non [illegible]. Atqui isti casus ab Alexandro memorati qui frequenter [illegible] jam occurrebant justam causam dederunt Pontificibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] II°. [illegible] [illegible] [illegible] [illegible] examen episcoporum [illegible] [illegible] [illegible] [illegible] [illegible] provinciales. Ut praevidendum fuit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] loco [illegible] [illegible] [illegible] Metropolitanum [illegible] [illegible] [illegible] Metropolitani [illegible] [illegible] provinciales [illegible] constituendi [illegible] [illegible] [illegible] [illegible] [illegible] ab [illegible] [illegible] [illegible] [illegible] [illegible] juxta formam a [illegible] [illegible] praescriptam et probatam positivam [illegible]. Probatur 1° [illegible] [illegible] Siricii, Zosimi, Celestini I, Hilarii, Simplicii, Symmachi, Leonis Magni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et forma praestituta [illegible] [illegible] constituendis episcopis omnino servanda erat. [illegible] [illegible] [illegible] nulla ejusmodi adeo legitima consuetudo [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] plane [illegible] [illegible] ab [illegible] [illegible] [illegible] potestatem pendere qui agentibus normam [illegible] actis [illegible] tribuerit.

2° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] tum vero [illegible] [illegible]. Atque in hoc tota [illegible] ratione aliud est, prosequitur idem Gerb[illegible] [illegible] immutabili instituti, aliud vero mutabili[illegible] [illegible] immutabiliter institutum continet, quod confirmatio legitima aucto-ritate fiat in ordine Hierarchico [illegible] legitimam missionem acci[illegible] [illegible] episcopus obtineat. [illegible] autem [illegible] gradu in Hierarchia [illegible] quam [illegible], atque alios eminent, veluti Primates, Metropolitanos, Primatibus Patriarchae, nihil obstabat quin Ecclesiae instituto confirmatio prov[illegible] [illegible] videbatur modo uni modo alteri committeretur. At vero [illegible] ista auctoritas [illegible] Patriarchae, Primates Metropolitanos, [illegible] suis [illegible] suffraganeos [illegible] aut [illegible] [illegible] Ecclesia instituti; solus quidem Romanus Pontifex Petri successor divino et immutabili jure toti Ecclesiae praeest; istud perinde immutabile [illegible] confirmandi, [illegible] illo jure [illegible] plane [illegible] divelli [illegible] Tridentina Syno[illegible] [illegible] [illegible] Romano Pontifice [illegible] [illegible] confirmatio [illegible] [illegible] ad consecrationem [illegible].

6 [illegible]us concedendi pallium et proprium Metropolitanis jus exercendi officium suum. [illegible] in Curia [illegible] Summi Pontifi[illegible] [illegible] ornamenta et insignia [illegible] [illegible] [illegible] Pallium [illegible] Petri [illegible] hodie dicitur, qui alias [illegible] Summum Pontificem tamquam [illegible] [illegible] Pallium esse [illegible] [illegible] Metropolitanorum [illegible] [illegible] Archiepiscopus [illegible] [illegible]. [illegible] enim [illegible]

Pontifices neutiquam Latii [illegible] intendissent cum [illegible] [illegible] ad [illegible] Metropolitam novam et ins[illegible] [illegible] imponi passi fuerint. Promittunt quidem Metropolitani et Episcopi qui Pallium obtinent [illegible] Romano Pontifici [illegible] Christi Vicario, sed nemo dixerit hanc omni quos praestitant obedientiam appellari [illegible] servitutem cum potius necessarium sit officium quod Metropolitam et Episcopi juxta Christi institutionem et sacros canones erga Rom. Pontificem obstrin[illegible]. Ad 4um vero, observamus Ecclesiam quidem Rempublicam [illegible] [illegible] [illegible] ad [illegible] institutam [illegible] [illegible] hæc Republica [illegible] sacris et [illegible] [illegible] [illegible] [illegible] [illegible] potest. [illegible] [illegible] antistites et ipse Summus Pontifex ex hominibus [illegible] humanis [illegible] mediis nequaquam subsistere possunt de quibus ipse Christus [illegible] [illegible] [illegible] [illegible] hanc temporalia ministri Eccles. [illegible] [illegible] [illegible] 91). Jam vero praestationes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sed [illegible] [illegible] [illegible] [illegible] [illegible] Summo Pontifici [illegible], [illegible] pro substentatione necessariorum officialium propter communem [illegible] Summo Pontifici praestandum [illegible] [illegible] [illegible] [illegible] Pontifices [illegible] [illegible] [illegible] [illegible] [illegible] Pontifices [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] : [illegible] [illegible] [illegible] [illegible]

— 5) [illegible] concedendi coadjutores [illegible] temporanes et cum futura [illegible].

[illegible] dum contigit ut episcopus aut senio aut mala valetudine affectus non [illegible] ad obeunda ministeria Ordinis [illegible] [illegible] [illegible] [illegible] [illegible] diœcesis, [illegible] evadit. Tunc [illegible] vero episcopum [illegible] sponte [illegible] [illegible] dimittat vel invitum cogere ad illum dimittendum, [illegible] [illegible] ordetur; nam Afflicto non est addenda afflictio sed ipsius miseriæ [illegible]

[illegible] Innocentius III c. 5 de cler. [illegible] coadjutor dari [illegible] cujus opera et consilio diœcesis rationi administratur. Sunt autem coadjutores du[illegible] [illegible] [illegible] coadjutores perpetui qui cum jure succe[illegible] [illegible] mortuo episcopo in ejus locum succedunt. — [illegible] ab urbe distiti, Episcopus qui ob [illegible] valetudinem aliamque causam ope aliorum indigent, posse unum vel [illegible] coadjutores cum consensu Capituli ad tempus constituere [illegible] [illegible] sequatur, fortasse quod compos sui non est [illegible] eidem [illegible] capitulum [illegible] duas Capituli partes unus aut alter coadjutor [illegible] [illegible] contradicat toti[illegible] Apostolicæ Sedi aperiendo est [illegible] [illegible] necessitati providendum. — [illegible] vero de coadjutoribus cum futura suc[illegible] cessione constituendis a Concilio Tridentino Sess. 25 c. 7 de [illegible] san[illegible] [illegible] est: „Si quando Ecclesiæ Cathedralis aut monasterii urgens necessitas aut eadem utilitas postulet prælato dari coadjutorem, is non alias cum futura successione detur quam hæc causa prius diligenter a Summo Pontifice sit cogn[illegible] [illegible] coadjutor hæreditarius [illegible] non constituetur nisi Summi Pon[illegible] tificis auctoritate, [illegible] constitutio coadjutoris cum futura successione [illegible] [illegible] requirit ab [illegible] universali Ecclesia [illegible] [illegible] causas majores [illegible] [illegible] in 6°) [illegible] constitutio hujusmodi coadjutoris [illegible] novi Episcopi [illegible] coadjut. [illegible] nova collatione in [illegible] [illegible] succedit: institutiones autem episcoporum ad Sum. Pont[illegible] [illegible] [illegible] demonstratum.

[illegible] Jus episcopos transferendi eorumque cessionem seu renuntiationem acceptandi. — Ad solum Summum Pontificem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] is alterius Ecclesiæ episcopus con[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] audivimus. Liberatum [illegible] quotiescumque [illegible] episcopus cum priori Ecclesia conjungebatur, tum quia, ex regula juris [illegible] quo [illegible] per eadem dissolvitur, [illegible] inter episcopum et Ecclesiam [illegible], et [illegible] Innocentius III. [illegible] potestate [illegible] divino [illegible] auctoritate [illegible]. [illegible] in translationibus episcoporum leges ecclesiasticae [illegible] praetendebantur, solus autem Romanus Pontifex [illegible] leges Ecclesiasticas Universales relaxare. Quamvis vero [illegible] episcoporum translationes ex indulgentia S. Sedis a Conciliis Provincialibus factae fuerint, progressu tamen temporis [illegible] idem et [illegible] sunt. [illegible] jam de Cessione seu Renunciatione dicendum est. Quamvis licet [illegible] Maximo [illegible] Cyprianus [illegible] auctoritate Apostolica statuit et decrevit, atque suo exemplo comprobavit, [illegible] nemini fas est auctoritate propria id peragere [illegible] habet [illegible]. Itaque Episcopi [illegible] presertim [illegible] propriam Ecclesiam [illegible] sine venia Pontificis: namque abdicatio Episcopatus [illegible] debet [illegible] Ecclesiae suae alligantur ab eadem Apostolica [illegible]
— [illegible] Jus Episcopos deponendi et vel invitos destituendi. „ Reumplenam [illegible] episcoporum solius Romani Pontificis munus esse: et merito quidem [illegible] auctoritate [illegible]. Hoc jure in Romano Pont. Victore agnovit S. Iren[illegible] [illegible] Romano [illegible] item S. Cyprianus in Pontifice Stephano [illegible] data. Agapitus Anthimum [illegible] [illegible] ejus locum episcopum consecravit: [illegible]

[illegible] discernit [illegible] Summus Papa caput [illegible] [illegible] per vicarios suos [illegible] Apostol. propria dignitate, episcopos enim [illegible] dignitate nudant. (Apud Alass. Th. X Concilia[illegible]). Licet autem juxta veterem disciplinam Synodi [illegible] jure plerumque [illegible] [illegible] Pontificem [illegible] [illegible] causa [illegible] [illegible] Lap. [illegible] juxta vero disciplinam et Concilii Tridentini statutum Sess. 24 [illegible] exercitium uni Pontifici reservatur. — [illegible] episcopos et invitos destituendi? In primis quaeritur an episcopus [illegible] sua vitio aut culpa debeat [illegible] sese episcopatu abdicare? Jam [illegible] [illegible] [illegible] praecepto et ex ipsa naturali ratione [illegible] [illegible] potius habendum esse privato bono. Nemo autem dubitat [illegible] [illegible] et [illegible] episcopi utilitati et temporali [illegible] [illegible] maxime expediendum. [illegible] [illegible] [illegible] rationes [illegible] [illegible] [illegible] [illegible] episcopus [illegible] [illegible] nemo [illegible] [illegible] [illegible] [illegible] deserat [illegible] [illegible] [illegible] eundem episcopus debet [illegible] [illegible] non sibi sed animarum saluti se [illegible] [illegible] [illegible] Augustinus [illegible] [illegible] Quid enim dicit [illegible] exemplum nostro Sacrificium [illegible] humilitatis aperuit? An [illegible] [illegible] in humana membra descendit ut membra ejus essemus [illegible] ipsa ejus membra crudeli divisione laniantur, descendere [illegible] [illegible] [illegible] Episcopi propter Christianos populos [illegible] [illegible] Christianis populis ad Christianam pacem prodest [illegible] [illegible] [illegible]. Hujus rei illustre exemplum [illegible] [illegible] [illegible] studio pacis Episcopatu [illegible] sponte [illegible] [illegible] episcopus expers omnis culpae Episcopatum [illegible] [illegible] [illegible] Pontifex ipsum vel invitum destituere?

[illegible] canon[illegible], [illegible] nobis [illegible]
[illegible] 4 10
nihil omnino dubitant quin Pontifex et gravissimam et praesertim ob publicam causam id possit. Omnium certe Gersonius ipse qui de Statibus Ecclesiae Consid. [illegible] ,, Status praelationis Episcopalis habuit in Apostolis et successoribus usum et exercitium suae potestatis sub Papa Petro et successoribus ejus tamquam sub habente vel retinente [illegible] fontalem [illegible] auctoritatis; unde quemadmodum ad statum minores praelati scilicet curati, possunt Episcopi a quibus usus suae potestatis quandoque limitatur vel arctatur; sic a Papa posse fieri circa praelatos majores ex certis et rationabilibus causis non est ambigendum ,,. Et res quidem vera cultum apud omnes Catholicos exploratumque est Pontificem divino jure nihil non posse quod ad Ecclesiae unitatem vel conservandam vel restituendam conducat. Pontifex itaque ob imminentia pericula vel seditiones aliaque mala propulsanda [illegible] Episcopos vel invitos destituendi. Celebre est dictum S. Hieronymi in dialogo contra Luciferianos n. 9: ,, Ecclesiae salus in summi Sacerdotis dignitate pendet, cui si non exsors quaedam et ab omnibus eminens detur potestas, tot in Ecclesiis efficientur schismata quot sacerdotes ,,. Sed illud, [illegible] maxime aliquibus videtur quod poena afficiatur Episcopus qui non deliquit. [illegible] S. Thomas II. II. Q. 108, a. 4: ,, [illegible] poena dupliciter considerari potest. Uno modo secundum rationem poenae. Et secundum hoc poena non debetur nisi peccato, quia per poenam reparatur aequalitas justitiae, inquantum ille qui peccando nimis secutus est suam voluntatem, aliquid contra suam voluntatem patitur. Alio modo potest considerari poena ut est medicina non solum sanativa peccati praeteriti, sed etiam praeservativa a peccato futuro, vel etiam promotiva in aliquod bonum. Et secundum hoc aliquis interdum punitur sine culpa, non tamen sine causa ,,. [illegible] mirifice consentit regula 23 de Regulis Juris in 6°; haec est: ,, Sine culpa nisi subsit causa

non [illegible] aliquis numerous [illegible] ergo si causa [illegible] aliquis [illegible] Itaque si id Ecclesiæ necessitas expostulet Episcopi [illegible] Temporali [illegible] [illegible] compensationem [illegible] [illegible] in Gallia habemus [illegible]

— 4) [illegible]

h) [illegible] Revolutionis [illegible]

§ LXV

5)

Jura relata ad Ordines Religiosos

[illegible] XIII [illegible]

— ix) [illegible]

[illegible] vel [illegible] vel damno sunt. Hoc jure jam usque XIII°
[illegible] approbat [illegible]
[illegible] prohibita. [illegible]
[illegible] tempora [illegible]
[illegible] Regularium ad Pontificem [illegible]
[illegible], verum aliquae rationes proferri possunt propter quas ea approbatio ad eum-
dem jure suo pertinere videatur. Primo siquidem cum hujusmodi jus ad ecclesiam
[illegible] administrationem [illegible]
[illegible] approbatione Religiones neque
[illegible] haberent neque immobilitatem. Et sane nec securitatem nec immobili-
tatem Congregationes Religiosae olim habuerunt dum monasteriorum conditores
pro suo [illegible] monasticam disciplinam temperabant [illegible]
quia contingere poterat ut [illegible] ad evangelicam perfectionem [illegible]
[illegible] accommodatae, nec immobilitatem [illegible]
[illegible] accommodatae [illegible]
[illegible] monasterio propositae. Approbatio igitur Summi Pontificis [illegible]
[illegible] nec Religiones nec vota solemnia consistant. — Mel
[illegible] „ Omnes vel proba
[illegible]
[illegible] in quibus Summus Pontifex [illegible] „ [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] multitudinem [illegible]
[illegible] pertinacia volunt. In pri-
[illegible]
[illegible] Pontificum [illegible] communiter [illegible]
— 6 [illegible] Religiosis privilegia et exemptiones [illegible]
[illegible] stabilis eorum disciplinae [illegible] existentia et [illegible]
[illegible] Alex [illegible] XVI [illegible] Syn. Trid.

(Art 16° s. 41 [illegible] Episcopi [illegible] immediate [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] signatio a Romano Pontifice pen-
det qui et justis de causis immunitates ac privilegia Ecclesiis vel monasteriis conce-
[illegible] potest quibus ab Ordinaria Jurisdictione [illegible] [illegible] et eximantur „ [illegible] [illegible]
[illegible] [illegible] Romani Pont. [illegible] vel portionem gregis e.g. oppidum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] potest [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Exemptiones autem
hujusmodi veteri more institutoque Ecclesiae nituntur. Patriarchae [illegible]
[illegible] jam inde a priscis Ecclesiae saeculis nova monasteria in Episcoporum
[illegible] aedificata jure Stauropegii declarabant sibi in posterum subje-
cta fore (Thomassinus de vet. et nov. Eccl. discipl. p. 1a l. 3° c. 31 N. 15). In
[illegible] etiam Carthaginiensi sub Bonifacio [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] exemptionem a [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], monasterio Abbatis Petri concessam fuisse probatur,
[illegible] [illegible] [illegible] exemptionum monumenta [illegible] [illegible]
[illegible], neque enim [illegible] [illegible] potuimus statuta mutare qui
per Sta Sacerdotes instinctu divino servata noscuntur „ Cui porro inficias
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] olim licuit et Romano
Pont. non licere? Denique in quinque Conciliis nimirum Viennens.
Constantiensi Lateranensi IV Lateranensi V et Tridentino de exem-
ptionibus actum est neque istud jus Summi Pont. in dubitationem ad-
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] exemptionem [illegible]
[illegible] [illegible] [illegible] [illegible] Concilio [illegible] [illegible] [illegible] exemptionem
[illegible] [illegible] [illegible] [illegible] Pontifex [illegible]

— c) [illegible] [illegible] [illegible] [illegible] [illegible] Romani Pontificis
[illegible] [illegible] [illegible] [illegible] [illegible] Innocentii III
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sed
de statu monastico loquitur a cujus notione tria vota sunt omnino in-
separabilia.

D N.° LVIX
6)

Jura relata ad beneficia et Bona Ecclesiastica

[illegible] Romane Pontifici [illegible] beneficia [illegible] in- [illegible] canonici [illegible] confirmandi [illegible] decimas [illegible] Eucharistiam [illegible] Pontifici [illegible]

[illegible] disciplinam [illegible]

- a) Jus alienandi bona ad mensas episcopales [illegible]
- b) Jus [illegible]
- c) Jus [illegible] permissionem [illegible] Canones Apostolicos [illegible] Pontifices [illegible] decimas ex divino praecepto solvendas [illegible] Eucharistiam [illegible] non deberent qui exactionem annalium tamquam simoniacam tradiderint [illegible] Pontifex [illegible] [illegible] Bullarum expeditionem [illegible] Beneficiatorum [illegible] [illegible] qui semel

[illegible] Romani Ecclesia per orbem diffu[illegible]

N. LXVII

Jura relate ad Judicia

[illegible] pertinet ad Judicia competit Romano Pontifici jus excipiendi appellationes [illegible] ad superiorem provocetur ac denique ad eum [illegible] Romanum Pontificem [illegible] Romani Sedem appellandi [illegible] Marcian[illegible] Basilides [illegible] Privatianus Lupus, Honoragia, Mami[illegible] electionem S. Cypriani [illegible] Synodali sententia excommunicati fuerant Cornelii [illegible] Synodo (Affricana) depo[illegible] Rom. Pont. providit, ut scribit S. August. (Ep. 162) [illegible] Arianis depositi ad Julium [illegible] appellationes [illegible]

Articulus IVus

De Juribus Honorificis

Nus LXVIIIus

[illegible] habet Primatum Honoris

[illegible] manifestat [illegible] – II° [illegible] – a) [illegible] Pastoralis [illegible] Episcopi, sed [illegible] – b) [illegible] corona [illegible] Constantini M° [illegible] Clodoveo [illegible] duplici corona [illegible] (An 1061) [illegible] Bonifacio VIII° [illegible] 17) [illegible] triplici corona [illegible] Clemente [illegible] Urbano V° [illegible] – c) [illegible] III° [illegible] Romana [illegible] Papa [illegible] Christi [illegible] Pontifex Maximus [illegible] Joannes [illegible] Joanni I° (An 525) et Agapito. – – – – – –

CAPUT IV^um

De Regiminis Ecclesiae Constitutione

A^us LIXX^s

Regimen Ecclesiæ Monarchicum est

Ex iis quæ satis fuse de Christi Ecclesia [illegible] disseru[illegible] [illegible] regiminis [illegible] [illegible] Christi [illegible] [illegible] [illegible] noster Jesus Christus Ecclesiam suam ea ratione et modo gubernare qui [illegible] prorsus ratione resplendet [illegible] in universa rerum creatarum [illegible] in organica hominis ad Dei similitudinem creati structura manifeste [illegible] in divina [illegible] quæ est corpus Christi [illegible] [illegible] et quemadmodum Regina Saba [illegible] videns Salomonem in omni sua pompa; ita et mundus debet maxima affici admiratione videns [illegible] in terris [illegible] in [illegible] suo regno Christus est unicus [illegible] [illegible] [illegible] regimen unum fuit [illegible] doctrina exhortationem ad gentes: Unus [illegible]

[illegible] [illegible] ... liber [illegible] ... Pri

[illegible] Atque ipsa humanae Monarchiae [illegible] hujus ordinationis imaginem [illegible], cum Deus [illegible] universum [illegible] inhabitare [illegible], terram [illegible] ... Dominationis [illegible] in ecclesia [illegible] humanae [illegible] ordinatio similis esse debet, cum [illegible], omnes imperator [illegible] opposita [illegible] simul conjungeret. Hoc officium Petri et successorum ejus [illegible] communem fuit in quo proinde una triplicis potestatis magisterii ministerii et regiminis [illegible] resideret plenitudo [illegible] Synagoga [illegible] dignitatis annexa [illegible] potestatis unitas [illegible] fuerat [illegible] ... tolle coronam, et [illegible] ... filios Israel [illegible] nationum et faciam eos in gentem unam in terra, in montibus Israel, et rex unus erit omnibus imperans ... et servus meus David rex super eos, et pastor unus erit omnium eorum. [illegible] ... Christi [illegible] omnibus [illegible] potestas sit potestas Christi omni terra, dominationi [illegible]

Cum Christus supremam potestatem [illegible] Petro commiserit [illegible] Christum [illegible] debent ei subordinari [illegible] ecclesiasticae potestatis plenitudinem [illegible] ipso [illegible] Christi [illegible] sed in [illegible] et [illegible] Christi [illegible] ... Monarchiam [illegible] ... principes [illegible] dummodo tamen non affirmemus [illegible] Apostoli et Episcopi donati fuerint [illegible] Petro [illegible] successoribus: et licet Episcopi [illegible] quam uni Pontifici [illegible]

[illegible] Monarchia. Monar[illegible] [illegible] multi [illegible] omnes ei parere tenerentur [illegible] dedit, [illegible] multo [illegible] nullus [illegible] potestatem habet, multo minus unus vel plures [illegible] in Petrum habere possunt. [illegible] quemadmodum [illegible] potestatem [illegible], quanto potior [illegible] [illegible] errorem [illegible] errare [illegible] [illegible] dominator et judex decreverit et definierit firmum [illegible] habendum erit.

N. LXX.

Sed quid si Pontifex rectos transiliat limites; Licebit ne ei resistere vel ab ejus sententia appellare?

[illegible] [illegible] quaerunt in [illegible] pater et pastor. [illegible] quandoque permittuntur, quas ipso, cum justis [illegible] exemplo [illegible], ut legitur [illegible] [illegible]. Quod si manifesta esset in ejus [illegible] [illegible] non faciendo quod jubet, [illegible] non tamen [illegible] quo non est [illegible]

[illegible] eamdem rationem nemini licet a sententia Pontificis appellare.

„ Cuncti per mundum novit Ecclesia, quoniam quorumlibet sententiis ligata
„ Pontificum sedes Beati Petri Apostoli jus habeat resolvendi, utpote quae de
„ omni Ecclesia fas habeat judicandi, neque cuiquam de ejus liceat judicare
„ judicio [illegible] de qualibet mundi parte canonica appellari [illegible] ab illa
„ autem nemo sit appellare permissus; ita [illegible] ad Episcopos Dardaniae
scripsit Gelasius Papa [illegible] [illegible] [illegible] ad [illegible] imperatorem [illegible]. Itaque a Summi Pontificis judicio ad Concilium Generale appellantes [illegible] [illegible] damnati sunt Constitutione Pii II, quae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible],
[illegible] [illegible] Constitutionibus. Ipse Petrus de Marca fateri cogitur
„ Pontifice ad Concilium appellationes a veteri disciplina alienas esse. Verbo quidem hujusmodi appellationes [illegible] atque molimina [illegible] Pontificum auctoritatem eludant et Ecclesiastica [illegible] fiant. Itaque hujus generis appellationes [illegible] [illegible] [illegible] [illegible] auctoritas legitima Pontificis [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fidei quia haeresis impune grassandum [illegible]
quod nec semper nec quacumque de causa Concilia haberi possint. Uno verbo.
[illegible] [illegible]. Concilium appellare, numquid aliud est quam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], alias [illegible] Ecclesiam per orbem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Petri
[illegible] Papa [illegible] [illegible] [illegible] „ [illegible] [illegible]
„ Concilium appellare [illegible] est [illegible] [illegible] [illegible]
„ [illegible] Ecclesiam Catholicam [illegible] [illegible] [illegible] appellare [illegible] [illegible]
„ [illegible] a quo appellatur esset caput, et Papa non esset [illegible] [illegible]
„ duo capita, quod est monstruosum„

N. LXXI.

Observationes in illud principium Prima Sedes a nemine judicatur

[illegible] [illegible] Pontificis sententia [illegible] [illegible] [illegible]
[illegible] Pontificis personae [illegible] humano judicio subjecta esse potest. [illegible] [illegible]

[illegible] exprim[illegible]: Prima Sedes a nemine judicatur; per quam
Pontifices omnino solius Dei judicio reservantur. Hoc fundamentale principi-
um [illegible] Ecclesiastica Monarchia illae [illegible], quod [illegible] quolibet rege terreno admit-
titur, statim [illegible] [illegible] admitti debere [illegible]
[illegible] vel ipsi [illegible] in casibus [illegible]
[illegible] quorum [illegible] Defensoris [illegible] Pon-
tificum majestatem pacemque Ecclesiae perturbare convocatione Synodi Generalis
esset revera impudentissimum: in gravissimis tamen et extraordinariis causis
fidei schismatum et reformationis morum in capite et in membris quae me-
morantur in decretis Constantiensibus Sess. [illegible] aliter dicendum esse [illegible]
[illegible] illud vulgatissimum: In generalibus legibus non comprehendi casus
extraordinarios [illegible] quos in re improvisa ipsa necessitas expresserit: proinde
[illegible] in hujusmodi casibus subjiciendum esse Pontificem judicio Gener[alis]
Synodi. — [illegible] autem [illegible] qui in aliquem per se se nullum jus
habent in casibus extraordinariis atque improvisis ex necessitate remedii juris-
dictionem super ipsum acquirant [illegible] probari nulla ratione potest, quomo-
do jus [illegible] [illegible] superiorem suum ratio-
ne [illegible] [illegible] pecto
[illegible] ad disjiciendum objectum ex necessitate remedii ductum posse sufficere.
[illegible] ergo, expendamus singulos extraordinarios [illegible] remedii [illegible]
[illegible] accurate, qua [illegible] dubitatio [illegible]

[illegible] negarunt alicujus unici indubita-
[illegible] ratione [illegible],
[illegible]
[illegible] jurisdictionem [illegible] autem qui unius [illegible]
[illegible] in plures [illegible] Pon-
tificis transiit non ab ipsis [illegible] Deo [illegible]
[illegible] immediate [illegible]
[illegible]
[illegible] auferri [illegible] ab inferiore cui in superiorem jus
[illegible] Episcopatus juris [illegible] sit institutionis divinae non nunquam

[illegible] Primatus Pontificum [illegible] episcopo [illegible] potest [illegible] [illegible] jurisdictio Deo instituente subjectus fuit Pontificio [illegible] juri. At Pontificii Primatus jurisdictio sicut et ipse Primatus nulli [illegible] objecta ex institutione divina [illegible] [illegible] superior [illegible] Pontifex [illegible] potest [illegible] [illegible] cerent scandala morum si quae in Pontifice remedia postularent. In sacris canonibus ubi de scandalis Pontificum [illegible] statutum legitur, ipsis non obe[illegible] [illegible] exempla [illegible] aliquid contra divinam legem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] legitimoque Summo Pontifice [illegible] [illegible] sermo est; hae duo sunt pariter certa; 1° Non haere membris [illegible] [illegible] [illegible] necessaria est [illegible] [illegible] ejusmodi a certo [illegible] [illegible] [illegible] contrahen[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] illud Horatii „Non sunt facienda mala ut eveniant bona„.

[illegible] [illegible] difficultatem [illegible] [illegible] vel [illegible] de Pontificatu [illegible] Ecclesiam [illegible] [illegible] ob [illegible] [illegible] [illegible] difficultates [illegible] [illegible] dubium, quemadmodum contigit sub finem saeculi XIV cum duo primum dein tres tamquam Pontifices sese gerebant et magnis hinc [illegible] [illegible] [illegible] decertabant. In hoc casu [illegible] [illegible]

[illegible]

ubi sermo sit, aliquot etiam celebres auctoritate Pontif[illegible] [illegible]

[illegible] hunc remedium [illegible] effectu. Quae [illegible] [illegible] jam vidimus ubi ex professo demonstravimus Rom. Pon[illegible] [illegible] matus superiorem esse omnibus episcopis etiam in Concilio Oecumenico congre[gatis] [illegible] neque posteriorem sententiam [illegible] [illegible], [illegible] [illegible] [illegible] Constantiensibus [illegible], firmamentum [illegible] [illegible] [illegible]; 1° [illegible] tribuisse Constantienses Patres auctoritatem; 2° Auctoritate sibi tributa usos non esse ad schismatis extirpationem; 3° Decreta illa omnimoda [illegible]

Ad I^m quod attinet petimus in primis ab hujus sententiae patronis num eorum opinionem susceperint qui dixerunt aut dicunt [illegible] memoratu schismatis nullum ex contendentibus tribus et [illegible] fuisse revera verum legitimumque Pontificem [illegible] [illegible] Papa dubius, papa nullus. An vero censeant unum aliquem ex illis fuisse reipsa verum Papam [illegible] ob [illegible] facti jurisve circumstantias [illegible] [illegible] [illegible] [illegible] legitimus Pontifex [illegible]. In primo [illegible] ipsos egisset Concilium non egisset contra veros Pontifices, sed contra [illegible] [illegible] [illegible] Pontifices [illegible] [illegible] [illegible] superiores [illegible] nihilque mirum si Concilii auctoritati subierant. Imo hac in hypothesi schisma non caruisset prompto facilique remedio non solum ex Generali sed et magis obvio Particularium etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] jus habere potuissent. [illegible] [illegible] affirment quod [illegible] [illegible] [illegible] [illegible] [illegible] Constantiensi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontificem non subesse [illegible] [illegible] [illegible] [illegible] Oecumenici nec posse ab eo deponi, probare etiam posse non [illegible] [illegible] posse cum [illegible] duos vel tres [illegible] [illegible] Pontifices [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontificem jus nullum [illegible] Concilio etiam Generali [illegible] verus Pontifex [illegible] Primatu fruitur, ob quem Toti Ecclesiae etiam collective sumptae et in Concilio adunatae jure divino superior est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Primatus [illegible] [illegible] Pontifi[illegible]

qui verus et legitimus sit. Quamvis ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] legitimus [illegible] [illegible] [illegible] [illegible] potest [illegible] [illegible] eos qui verum [illegible] Pontificem [illegible] [illegible] [illegible] debito officio non prosequuntur. Et [illegible] [illegible] [illegible] nihil [illegible] [illegible] aut adimere potest ei qui revera verus ac legitimus Pontifex et [illegible] [illegible]; ita nihil juris tribuit aut tribuere potest in ipsum Concilio quamvis Oecumenico; semper enim nimirum jus primatus manet reipsa vero legitimoque Romano Pontifici qui semper hoc Primatus jure reipsa toti Ecclesiae et [illegible] Concilio superior [illegible] jurisdictione eorum subtrahitur. Equidem [illegible] [illegible] Patres Concilii Pisani qui etsi de duobus contendentibus incerti juris Pontificibus agerent, non tamen crediderunt hoc saltem in casu certum [illegible] jus competere [illegible] eos deponendos nisi ipsos tanquam schismaticos atque haereticos [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontifici [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] indebitum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] immediate habere [illegible] quilibet [illegible] [illegible] [illegible] et dignitate [illegible] Papatus exitu [illegible] tenetur.

[illegible] [illegible] [illegible] [illegible] [illegible] Schisma [illegible] tum est, sed mirabili divinae Providentiae consilio quae attingit a fine [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] intelligatur [illegible] [illegible] [illegible] tradenda est. Cum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Angelus Corarius Venetus [illegible] Gregorius XII qui post Bonifacium IX et Innocentium VII Urbano VI [illegible] [illegible] [illegible] legitimitatis [illegible] [illegible] argumenta. Petrus [illegible] Luna Hispanus Clementis VII Avenione successor [illegible] Benedictus XIII [illegible] [illegible] Balthassar Cossa [illegible] [illegible] [illegible] Joannes XXIII [illegible] [illegible] Alexandro V [illegible] in [illegible] Pisana [illegible] [illegible] Oecumenica [illegible] [illegible] [illegible] [illegible] [illegible] Gregorium et Benedictum. Joannes XXIII Concilium Constantiense indixit quod licet eidem assensum praebuissent Sigismundus Imperator, Gallia et Anglia [illegible] tamen ipsius obedientiae ab initio constabat. Synodus haec [illegible]

[illegible] non erat, Joannem ut legitimum Pontificem agnovit atque ab eo obtinuit abdicationis promissionem juramento ad acta confirmandam quam tamen nequaquam exequi [illegible] [illegible] [illegible] Joannes [illegible] Cancellarius Parisiensis [illegible] principium de superioritate Concilii supra Pontificem [illegible] invexit, illudque [illegible] Patres adoptarunt. Hic autem adnotanda [illegible] [illegible] contra mentem [illegible] quem Synodus ut legitimum Pontificem agnoverat, in decretis exprimendis exclusos expresse fuisse omnes [illegible] Cardinales contra praxim constanter in Ecclesia [illegible] episcopos per nationes suffragium edisse [illegible] Anglicano [illegible] Episcoporum numerus tantundem ponderis quantum longe Italorum [illegible] habuerit [illegible] presbyteros quoque immo et laicos ipsos suffragium edisse comperimus profecto decreta illa [illegible] invalida. Nihil [illegible] Constantienses Patres sententiam [illegible] in Joannem XXIII [illegible], quo deposito vel minimam legitimitatis speciem Concilium amisit. Quapropter per novi Pontificis electionem nullum malo remedium attulisset [illegible] [illegible] Gregorius XII [illegible] [illegible] [illegible] Pontifex [illegible] [illegible] [illegible] ut primo [illegible] Pontificatu se abdicaret si Benedictus XIII [illegible] [illegible] Obligationem [illegible] [illegible] non potuit. Frustra [illegible] [illegible] [illegible] Pontifex [illegible] [illegible] potenti sua Obedientia suffultus [illegible] [illegible] [illegible] [illegible] fuit atque illegitima Alexandri V electio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] maximi momenti [illegible] [illegible] [illegible] [illegible] Benedicti XIII [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dominum Cardinalis Legatus 12[us] qui ut talis suum jam ingressum fecerat, coram Patribus

adunatis legit Bullas convocationis Concilii. Ejus convocatio ab omnibus [illegible] solemniter acceptata fuit: ex qua solemni acceptatione illud consequitur [illegible] convocatorem recognovisse ut legitimum Pontificem Gregorium XII in [illegible] modo in [illegible], illegitimos insuper judicasse tum Joannem XXIII tum Benedictum XIII. Tunc [illegible] Pontificis [illegible] declaravit, ideoque [illegible] Pontificium vacare merito judicatum fuit et de novi Pontificis electione agi cepit. Antequam autem hæc peragerentur Joannes XXIII [illegible] custodia detinebatur pure, simpliciter et absolute libere et sponte [illegible] a) [illegible] dictus vero XIII qui [illegible] et [illegible] schismaticus habitus fuit, non quidem ob personam [illegible] contra Urbanum VI cooperatus erat, et in [illegible] Pontificum [illegible] Pontifex legitimus [illegible] schismaticus [illegible] Pontifex [illegible] quod illegitimus, et schismaticus quoque est [illegible] sententia [illegible] hæreticum [illegible] Unam Sanctam et Ecclesiam Catholicam [illegible] pertinacem. Ex quibus omnibus apparet Divinæ Providentiæ ductu [illegible] XII schismati finem impositum fuisse, non vero per indubitatam [illegible] quam sibi Constantiense [illegible]

[illegible] Constantiense [illegible] legitimum Pontificem [illegible] in Sessionibus præcedentibus, nominatim vero decreta illa quibus principium superioritatis Concilii supra Pontificem assertum fuit. Quapropter illa decreta validitatem [illegible] Pontifex [illegible] contra Joannem [illegible] Joannem Huss et Hieronymum Pragensem [illegible] approbationis eorum decretorum quæ Generale Concilium

[illegible] Summum Pontificem [illegible] 4 et 5°. Adeo vero eum [illegible] approbasse ejusmodi decreta exploratum est, ut ipsa potius certissime reprobaverit [illegible] in Concilio [illegible] Oratoribus [illegible] alio[illegible] prohibuit [illegible] ad Generale Concilium [illegible] et specialiter [illegible] Bulla declaravit nullo unquam casu licere per hujusmodi appellationem [illegible] ab Apostolicis judiciis subducere; quam Bullam eorum decretorum Con[illegible] fundamentale penitus [illegible] destruxisse [illegible] [illegible] praecipuus promotor et vindex [illegible] est. Hinc porro apparet, [illegible] sit de Basileensi Concilio qui Constantiensia decreta reproduxerat Actione [illegible]. Licet vero Eugenius IV [illegible] revocatis Bullis quae ipsum Concilium [illegible] Actionem solutum declaraverant, [illegible] XVI [illegible] [illegible] legitime continuasse et debere continuare, non tamen [illegible] [illegible] Cardinalis [illegible] Turrecremata qui eidem congressui [illegible] 100); quod vel ipsi adversarii concedere debent [illegible] notam inurerent; quod tamen facere deberent si Pontificiam confirma[illegible] [illegible] praestantissimi episcopi ad [illegible] [illegible] tempo[illegible] [illegible] [illegible] Pontificem, neque illum proinde posse deponere.

[illegible] Pontifices non [illegible] officio [illegible] infallibilitate definiendi [illegible] negavit. Neque [illegible]

[illegible] tantummodo [illegible] Papa [illegible]
[illegible] et pertinaciter propugnant [illegible]
Articulo [illegible] definito quod [illegible] autem
in casu non pauci etiam ex ipsis Pontificiae auctoritatis vindicibus jus Gene
ralis Concilii in Papam a Fide devium seu [illegible] haereticum asserunt. [illegible]
spectat canon Omnes XIII Caus. [illegible] et canon Si Papa [illegible]
qui verum [illegible] ab eo principio „ Prima Sedes a nemine ju
dicatur. [illegible] Patriarchis
[illegible] Symmachi [illegible]
Pontificium etiam Innocentius III [illegible]
[illegible] auctoritate [illegible]
[illegible]
Symmachi Pontificis dubium [illegible]
[illegible]
[illegible]
[illegible]
majus pondus acquirit ex eo quod in Gratiani [illegible]
[illegible] sententia Innocentii „ [illegible]
[illegible] quae [illegible] „ In tantum fides mihi necessaria est [illegible]
[illegible] habeam, propter peccatum quod in fide committitur possem ab Ecclesia judicari „ Sed [illegible] Innocentii hypothe
[illegible] in Ecclesia Primatu Chri
[illegible]
[illegible] Pro Petro Dominus rogans fatetur
hoc innuens quod successores ejus a Fide Catholica nullo unquam tem
[illegible] etiam [illegible]
[illegible] confirmandi [illegible] aliis necessitate [illegible]
[illegible] Ecclesia non judicaret [illegible]
[illegible] Pontificem [illegible] Pontificem [illegible] ab Ecclesia
[illegible] Pontificium [illegible]
[illegible] qui non sit in Ecclesia. Ex quibus omnibus patet [illegible]
principium [illegible] Prima Sedes a nemine judicatur

Conclusio.

[illegible] Romano Pontifice
[illegible] in unitate indefectibilitate [illegible]
[illegible] harmonia [illegible]
[illegible] videre volunt conspicua; in doctrina infallibilis, in [illegible]
[illegible] Catholicitate; arca Noe, in qua sola regnante diluvio
homines salvi fieri possunt, extra quam [illegible] naufragium [illegible]
[illegible] illa sola est vera Christi Ecclesia quae supra Petrum [illegible]
et [illegible] est lapis probatus [illegible] pretiosus, in fundamento fundatus,
[illegible] superaedificatur, a quo si quis recedit confringetur. [illegible]
[illegible] ex parte [illegible] Ecclesiae Catholicae [illegible]
[illegible] prudentes, qui auctoritati [illegible]
[illegible] infallibilitatem [illegible]
novis temporibus insurrexerunt, et nostris praesertim temporibus impio quodam
furore debacchantur. Miseros! qui se [illegible] adeo ingenio decipiunt [illegible]
[illegible]
[illegible] Utinam aperiant oculos et intelligant [illegible]
[illegible]
[illegible] tempestate jactati, in tutum [illegible] salutis por[illegible]
[illegible] gratia recipiant! Nec tamen Ecclesia aedificium
[illegible] occultis tentationum insidiis [illegible]
[illegible]
[illegible] splendore amisit, sed firmius imo ad solidius effectum est, novoque
in dies et clariore lumine coruscat. In hoc ergo nos tuti immoremur
[illegible]
[illegible] regnum [illegible] Ecclesiae [illegible]
[illegible] Romanum Pontificem in omnibus [illegible] Christum Jesum
Salvatorem nos[illegible]
[illegible] Petra solidavit. Ipsi gloria
[illegible] et in diem aeternitatis. Amen.

FINIS

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